

**HUNTERS POINT SHIPYARD
RESTORATION ADVISORY BOARD (RAB) - MEETING AGENDA
THURSDAY, 22 APRIL 2004**

Day/Date:
Thursday – 22 April 2004
Time:
6:00 p.m. to 8:00 p.m.

Location:
Dago Mary's Restaurant
Hunters Point Shipyard
Building # 916
San Francisco

Facilitator: Marsha Pendergrass

Time	Topic	Leader
6:00 p.m. – 6:05 p.m.	Welcome/Introductions/Agenda Review	Marsha Pendergrass <i>Facilitator</i>
6:05 p.m. – 6:15 p.m.	Approval of Meeting Minutes from 25 March 2004 RAB Meeting • Action Items	Marsha Pendergrass
6:15 p.m. – 6:20 p.m.	Navy Announcements	Keith Forman <i>Navy Co-chair</i>
	Community Co-chair Report/Other Announcements	Lynne Brown <i>Community Co-chair</i>
6:20 p.m. – 6:35 p.m.	Subcommittee Reports	Subcommittee Leaders
6:35 p.m. – 6:55 p.m.	Parcel A ROD and Related Documents	Ahimsa Sumchai <i>RAB Member</i>
6:55 p.m. – 7:05 p.m.	BREAK	
7:05 p.m. – 7:50 p.m.	City of San Francisco/Navy Conveyance Agreement	Elaine Warren <i>City of San Francisco</i>
7:50 p.m. – 8:00 p.m.	Future Agenda Topics/ Open Question & Answer	Marsha Pendergrass
8:00 p.m.	Adjournment	Marsha Pendergrass

HPS web site: <http://www.efds.w.navy.mil/Environmental/HuntersPoint.htm>

RAB Navy Contact: Mr. Keith Forman (619) 532-0913 or (415) 308-1458

- - - P U B L I C N O T I C E - - -
H U N T E R S P O I N T S H I P Y A R D
Restoration Advisory Board Meeting

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6:00 P.M. - 8:00 P.M.

Thursday, April 22, 2004

Dago Mary's Restaurant

Hunters Point Shipyard, Building #916

San Francisco

The Restoration Advisory Board (RAB) is composed of concerned citizens and government representatives involved in the environmental cleanup program at Hunters Point Shipyard. Community participation and input is important and appreciated. The purpose of this meeting is to present the community with the current status and future cleanup schedule for Hunters Point Shipyard and to address the concerns of the entire community.

The interested public is welcome!

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For more information about this meeting and the Installation Restoration Program at Hunters Point Shipyard, please contact:

Mr. Keith Forman, BRAC Environmental Coordinator
Southwest Division Naval Facilities Engineering Command
1230 Columbia Street, Suite 1100, San Diego, CA 92101
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HUNTERS POINT SHIPYARD
RESTORATION ADVISORY BOARD MEETING MINUTES
22 APRIL 2004

These minutes summarize the discussions and presentations from the Restoration Advisory Board (RAB) meeting held from 6:00 P.M. to 9:20 P.M., Thursday, 22 April 2004 at Dago Mary's Restaurant (Building #916 at the Shipyard). A verbatim transcript was also prepared for the meeting and is available in the Information Repository for Hunters Point Shipyard (HPS) and on the Internet at www.efds.w.navy.mil/Environmental/HuntersPoint.htm. The list of agenda topics is provided below. Attachment A provides a list of attendees. Attachment B includes action items that were requested and/or committed to by RAB members during the meeting.

AGENDA TOPICS:

- 1) Welcome/Introductions/Agenda Review
- 2) Approval of Meeting Minutes from 25 March 2004 RAB Meeting
- 3) Subcommittee Reports
- 4) Parcel A ROD and Related Documents
- 5) City of San Francisco/Navy Conveyance Agreement
- 6) Future Agenda Topics/Open Question & Answer
- 7) Adjournment

MEETING HANDOUTS:

- Agenda for 22 April 2004 RAB
- Meeting/Minutes from 25 March 2004 RAB Meeting
 - Includes: Action Items from 25 March 2004 RAB Meeting; and
 - Table 1, RAB Roll-Call Sheet
- PowerPoint Presentation, Dr. Ahimsa Sumchai, Parcel A ROD and Related Documents, 22 April 2004
- Written Presentation Notes, Dr. Ahimsa Sumchai, Parcel A ROD, 22 April 2004
- Meeting Minutes, HPS RAB, Economic Subcommittee, 06 April 2004
- Letter from ARC Ecology to Jay Navarrette, Comments on the Notification of Project Receiving Environmental Review, 19 September 2003
- Petition from HPS RAB to SFRA, Request for Continuance of "Conveyance Agreement" Pending Environmental Review
- Flyer, SFRA, Special Meeting, HPS Conveyance Agreement, 29 April 2004

Welcome / Introductions / Agenda and Meeting Minutes Review

Marsha Pendergrass, facilitator, called the meeting to order at 6:00 P.M. All in attendance made self-introductions. Ms. Pendergrass began the meeting and asked if there were any changes to the agenda; of which there were none. Ms. Pendergrass called for a motion to approve the meeting minutes and the minutes were approved with no revisions.

Ms. Pendergrass reviewed the Action Items contained in the March minutes and asked for a status of each item. Three of the items were carried-over (see Attachment B) and the remainder of the action items were resolved to the satisfaction of the RAB.

Navy and Community Co-Chair Reports/Other Announcements

Lynne Brown, RAB Community Co-Chair, asked about a recent Technical Review Subcommittee meeting that included meeting with the Citizen's Advisory Committee (CAC). He said the RAB had not voted to approve such a meeting. Lea Loizos, RAB member, replied that she copied Mr. Brown on a letter to Don Capobres, San Francisco Redevelopment Agency (SFRA), requesting a joint meeting between the Technical Review Subcommittee and the CAC. There was a lot of discussion about the appropriateness of a subcommittee of the RAB meeting with the Redevelopment and the CAC. Mr. Brown made a motion that any subcommittee of the RAB intending to hold a meeting with the CAC or any outside agency must first get the approval of the full RAB. The motion carried. There was additional discussion about the motion and its implication for each subcommittee. This additional discussion produced confusion amongst some of the RAB members. Ms. Pendergrass ended the discussion and requested that Mr. Brown restate and submit the motion in writing at the next RAB meeting where the motion will be ratified.

Keith Forman, Navy RAB Co-Chair, announced that the Community Involvement Plan (CIP) has been finalized and released. He thanked Carolyn Hunter, Tetra Tech, for her work on the CIP. Mr. Forman also said that there was a fire yesterday at an artist's studio located in back of Lola's Café. He also announced that the comment period for the Parcel A Finding of Suitability to Transfer (FOST) has been extended to Monday, 17 May 2004. He said that he will go into greater detail in further e-mails and a presentation when he knows more, but briefly Building 322, a former guard shack on Parcel A, is also listed as having once been located on Parcel D. Mr. Forman said a complete radiological survey will be completed before moving forward with the FOST. Ray Tompkins, RAB member, asked if the survey would include lead-based paint or asbestos. Mr. Forman replied that the survey would not look for those materials. Procedures for addressing lead-based paint and asbestos are already detailed in the FOST.

Reminder: The next RAB meeting will be held from 6:00 to 8:00 P.M., Thursday evening, 27 May 2004 at Dago Mary's Restaurant, Building #916 on the Shipyard.

Subcommittee Updates

Membership, Bylaws & Community Outreach Subcommittee (Melita Rines, leader)

Melita Rines, RAB member, said the subcommittee did not meet this month.

Ms. Rines said that Marie Harrison is hereby removed the RAB due to excessive absences. A letter will be mailed informing Ms. Harrison of the determination. She said that Ms. Harrison will be encouraged to re-apply to the RAB.

Ms. Rines also said Community Co-Chair elections will be coming up in June. Nominations for the position will be made at the May RAB meeting, elections will be held at the June meeting, and the term for the Community Co-Chair position will run from July 1, 2004 through June 30, 2005.

On the agenda for the next subcommittee meeting will be discussing the SFPD term sheet, and clarifying the language of the Bylaws regarding attendance. She reminded the RAB that changes to the Bylaws will not be made until the September RAB meeting. Barbara Bushnell, RAB member, said that the definition of calendar year is already clear, but Ms. Rines said the long-standing interpretation of Bylaws subcommittee has a calendar year being 12 months back from the month of the current RAB meeting. The differences will be resolved in the next changes to the Bylaws. Ms. Rines stressed that this interpretation has been consistently and fairly applied to each former RAB member who was removed due to excessive absences.

1 The next meeting of the Membership, Bylaws & Community Outreach Subcommittee will be
2 6:30 P.M., May 12th, at the Anna Waden Branch Library.

3 Risk Review and Health Assessment Subcommittee (Karen Pierce, Leader)

4 Karen Pierce, RAB member, said the subcommittee did not meet this month.

5 Ms. Pierce said the next meeting of the subcommittee will be determined at a later date.

6 Technical Review Subcommittee (Lea Loizos, Leader)

7 Ms. Loizos reported on two meetings. The Tech subcommittee met and discussed the Parcel A
8 FOST and there was a joint meeting with the Risk Review subcommittee that had been
9 scheduled but cancelled. Ms. Loizos said though the joint meeting was cancelled she did prepare
10 for the meeting and had a few items to report.

11 Starting with the Tech subcommittee meeting to discuss the Parcel A FOST, Ms. Loizos
12 apologized that meeting minutes were unavailable. She summarized the meeting and said several
13 regulators, RAB members, and the Navy were present and the meeting was an opportunity to
14 express concerns and ask questions. Ms. Loizos said the majority of the concerns were regarding
15 adjacency issues, and there was little discussion of Parcel A itself.

16 Ms. Loizos also reported that she looked into the Parcel A risk assessment and the Parcel E
17 radiological risk assessment, at the request of Ahimsa Sumchai, RAB member. She replied that
18 some of the preliminary remediation goals (PRGs) from the EPA were revised and have become
19 less stringent for manganese and nickel. Ms. Loizos also said that concerns of metals in the
20 groundwater were more or less resolved since the regulatory agencies have determined the
21 groundwater underneath the Shipyard to be non-beneficial and therefore unlikely to pose a health
22 threat. Regarding a review of the Parcel E radiological risk assessment, Ms. Loizos said the
23 comments were that there was not enough consideration of how materials might have gotten off
24 the Shipyard, as well as the effects off-site migration might have had on the bay and the
25 sediments in the bay. The review also questioned why radium was the only radionuclide of
26 concern on Parcel E.

27 Mr. Tompkins objected to the Navy changing the PRGs for manganese and nickel, as well as the
28 subcommittee's report that these new levels are safe. He asserted that African-Americans are
29 more susceptible to certain environmental contaminants than a 35-year old white male – the
30 standard for standard risk assessment calculations. Ms. Loizos clarified her report and stated that
31 the Navy did not change the PRGs, the EPA is the regulatory agency that sets the cleanup goals.
32 Michael Work, US EPA, said he was unsure what variables were use for the PRGs for
33 manganese but he would look into the question and report back.

34 J.R. Manual, RAB member, made a motion that Mr. Work should respond to the question about
35 why the standards were changed. The motion carried. Ms. Pendergrass suggested that Mr. Work
36 give the report to the Risk Review and Health Assessment Subcommittee before reporting back
37 to the full RAB.

38 Ms. Loizos said that the Technical Review Subcommittee will meet at 5:30 P.M., May 6th, at the
39 Community Window on the Shipyard, 4634 Third Street.

40 Break called at 7:12 P.M. Ms. Pendergrass called the meeting back to order at 7:22 P.M.

41 Economic Development Subcommittee (Maurice Campbell, Leader)

42 Maurice Campbell, RAB member, yielded the floor to Mark Gelsinger, Navy, for the
43 subcommittee report. Mr. Gelsinger said an economic development workshop was held at the
44 E.P. Mills Auditorium on March 27th which was attended by 122 participants from the

community and 57 vendors. Presentations were made with the goal of discussing subcontracting opportunities.

Mr. Gelsinger said that earlier today, a training session workshop was held for local Bayview truckers. He said the goal is to try and standardize the requirements for the invoicing and proposal process. Mr. Gelsinger also said that the subcommittee will provide 8-hour HAZWOPER training twice next month.

Mr. Gelsinger concluded his report with some economic figures. In Fiscal Year (FY) 2003, the Navy spent \$38 million on the Shipyard and \$700k locally. Since starting FY'04, the Navy has spent \$28 million on the Shipyard, with \$2.5 million locally on trucking and an additional \$144k to local businesses. Mr. Gelsinger also said compared to 39 local hires in FY'03, thus far 28 local hires have been made with an additional 69 expected through the remainder of the year.

Mr. Campbell said the next meeting of the subcommittee will be at 2:30 P.M., May 4th, at the Anna Waden Library.

Ad-Hoc Radiological Subcommittee (Ahimsa Sumchai, Leader)

There was no report from the subcommittee.

The Radiological Subcommittee will meet at 3:00 P.M. on May 26th, at the Greenhouse, located at 4919 Third Street, at Palou.

Parcel A ROD and Related Documents

Dr. Sumchai introduced herself and said the topic of her presentation is the Parcel A Record of Decision (ROD) and supporting documents, as well as focusing on some of the health and legal aspects of the proposed transfer of Parcel A. There were no handouts available for the presentation.

Dr. Sumchai began with a historical summary of Parcel A. She said the Parcel was established in 1992 as part of the Federal Facilities Agreement (FFA) between the Navy and the regulators as was agreed upon after the closure of the Shipyard. Also, following environmental investigations by the Navy the Shipyard was placed on the National Priorities List (NPL) due to the presence of hazardous substances present throughout the Shipyard. Dr. Sumchai said Parcel A is very interesting in that it has undergone numerous revisions of its boundaries, originally 90 acres and now 75 acres, in an effort to remove contaminants from within the boundaries. She stated that the more you study Parcel A, and find more contamination, the smaller the Parcel becomes. Dr. Sumchai said revisions of the Parcel A boundaries triggers CERCLA (Comprehensive Environmental Response, Compensation and Liability Act) and NEPA (National Environmental Policy Act) review, whereby any revision of the boundaries of a parcel that has been previously cleared by CERCLA must consider adjacency issues that are introduced by the revisions.

Dr. Sumchai said 7 of the 15 subparcels in Parcel A have an environmental condition of property (ECP) overall category of 4 to 7. She discussed how in one instance the Navy averaged the results from two adjacent subparcels (S46A in Parcel A and S46E in Parcel E) to arrive at an overall ECP value low enough to allow transfer. She also said that there are areas of the Shipyard that never underwent the CERCLA process of the first steps of preliminary assessment and site investigation. And yet the Navy assigned ECP categorizations for areas that essentially were never looked at. She also added that none of the five geographic land parcels on the Shipyard have gone through the full nine steps of the CERCLA process.

Dr. Sumchai returned to her examination of Parcel A, and specifically the dirt at Parcel A and the levels of ambient chemicals of potential concern that are present there. She said that Ms. Loizos'

1 interpretation of the human health risk assessment report for Parcel A is wrong. She said the risk
2 assessment minimized its impact not because the PRGs were lowered but because some of the
3 chemicals of potential concern (arsenic, lead, cobalt, chromium, and nickel) that initially drove
4 the high cancer risk and adverse health effects were removed after being designated as having a
5 Hunters Point Ambient Level (HPAL). Dr. Sumchai said an great deal of uncertainty and
6 controversy went into calculating the HPALs. For example, nickel is abundant in the earth's
7 crust however according to the medical establishment, the highest sources of nickel in the
8 environment comes from the combustion of fuel oil. Dr. Sumchai suggested that the nickel at the
9 Shipyard might be ambient or it might be the result of the 610,000 gallons of fuel oil that was
10 burned in Operation Crossroads. This and other examples she presented raises the question of
11 whether or not levels of chemical contaminants present at the Shipyard, particularly those present
12 at levels above the HPALs, are truly ambient.

13 Dr. Sumchai concluded her presentation by stating that Parcel A is not suitable for transfer. She
14 cited seven subparcels within Parcel A that have a ECP classification of 4 to 7. Also, she said the
15 Navy has failed to conduct radiological investigation of the storm drain and sanitary sewer
16 systems on Parcel A even though the Historical Radiological Assessment (HRA) established that
17 basewide, the storm drains are considered an impacted area. Dr. Sumchai also said that black
18 beauty sandblast grit was discovered in two sites at IR-59 JAI. She said radiological analyses
19 were not done on either of those sites. She asserted that IR-59 JAI is essentially a MARSSIM-
20 Class 1 (Multi-agency Radiological Survey and Site Investigation Manual) radiologically
21 impacted area. Dr. Sumchai also suggested that regulators should consider the documented
22 history of numerous fires that have occurred on Parcel A, and that it should be considered as an
23 imminent risk and threat to human lives and property.

24 Ms. Pendergrass opened the floor for questions from the RAB. Mr. Tompkins made a motion to
25 extend the RAB meeting to allow more time for questions and answers. The motion was
26 approved by the RAB.

27 Mr. Manual thanked Dr. Sumchai for her presentation. He asked the regulators present at the
28 meeting whether or not the CERCLA process was being circumvented, as suggested in the
29 presentation, and whether or not a full assessment will be conducted for Parcel A. Mr. Work
30 replied that the EPA is currently reviewing the Parcel A remedial decision but has not identified
31 anything that would cause them to reopen a CERCLA decision for Parcel A. Mr. Forman added
32 that there are two reports that make up the assessment for Parcel A – the ROD and the FOST.
33 The FOST documents the CERCLA and some non-CERCLA issues which make up the
34 comprehensive review that is required prior to transfer.

35 In the way of action items or recommendations, Dr. Sumchai requested that the EPA look into
36 the issues she raised in the conclusion of her presentation. Mr. Forman replied that the Navy
37 would look into the issues and report back to the RAB. Mr. Forman indicated that he felt
38 Dr. Sumchai was confused on some facets of environmental assessments. Mr. Tompkins
39 objected to Mr. Forman's remark. Lani Asher, RAB member, agreed with Mr. Tompkins.

40 Ms. Pierce said that the transfer of Parcel A should not proceed until the issue of ambient levels
41 of contamination is resolved. Mr. Forman said he could give a presentation on the development
42 and formulation of HPALs. Ms. Pierce replied that a presentation is unsatisfactory. She said that
43 discussions should resume since the RAB and the regulators agree that the calculation of the
44 ambient levels is in disagreement with the Navy's definitions. She made a motion that no transfer
45 take place until the definitions are clarified and an agreement is reached. The motion was
46 seconded and carried.

47 A second break called at 8:08 P.M. Ms. Pendergrass called the meeting back to order at 8:18 P.M.

1 Keith Tisdell, RAB member, made a motion that the Navy, regulators, and the RAB have a
2 special meeting to discuss these issues. He stipulated that the questions should be prepared and
3 distributed to everybody ahead of time. Lengthy discussion ensued about the date, time, and
4 format of such a meeting, and it was decided by show of hands that the meeting should take
5 place at 10:00 A.M., on Saturday, May 1st, at the Milton Meyers Gym. Ms. Pendergrass said that
6 questions should be directed to the Community Co-Chair, Mr. Brown.

7 City of San Francisco/Navy Conveyance Agreement

8 Elaine Warren, City of San Francisco, introduced herself and thanked the RAB for staying late to
9 hear her presentation. She began by saying the City is very pleased to have reached the point that
10 is has with the conveyance agreement, and thanked some members of the RAB for their
11 involvement.

12 Ms. Warren said she wanted to begin by dispelling some confusion surrounding the conveyance
13 agreement and reassured the RAB that it does not transfer property nor is the City bound to
14 accept property from the Navy if it is still dirty. She said that it spells-out a process for the
15 transfers of property in accordance with the rules in the conveyance agreement. She said her
16 presentation will explain the process of how the conveyance agreement was made with the Navy.
17 Also contained in the conveyance agreement are the principles of Proposition P.

18 Ms. Warren said the work on the conveyance agreement essentially started in 1991 when
19 Congresswoman Pelosi sponsored special legislation that allowed the Navy to transfer the
20 property to the City at no cost. Ms. Warren said the no-cost feature is an important component of
21 the conveyance agreement. She said there were a series of non-binding agreements that were
22 worked out with various San Francisco mayors and the Navy. In 1997 the Board of Supervisors
23 adopted the redevelopment plan, and at that time it was realized that there was a need to
24 incorporate the redevelopment plan into the transfer agreement with the Navy. That lead to a
25 Memorandum of Agreement (MOA) with the Navy in 2000 which, Ms. Warren said, was
26 instrumental in setting the framework for the conveyance agreement. Ms. Warren said one of the
27 key principles of the conveyance agreement is that it establishes environmental conditions for the
28 transfer of the property. It does not replace the CERCLA process but it established that there are
29 certain conditions the Navy needs to meet in order for the City to accept the property.

30 The conveyance agreement negotiations began in January 2002 and continued through March
31 2004. During that time, it was thoroughly reviewed by numerous people on the RAB, was
32 approved by the CAC, and also went to lawmakers in Washington D.C. for their approval.

33 Ms. Warren explained some of the details of the conveyance agreement, again stressing that it
34 does not transfer any property. She said it provides for the Navy to offer the property to the
35 Redevelopment Agency as each parcel is cleaned up to a level acceptable to the City. The Navy
36 will offer a parcel only after the regulators (US EPA, Department of Toxic Substances Control
37 [DTSC], and the Regional Water Quality Control Board [RWQCB]) have agreed that the cleanup
38 is consistent with the redevelopment plan. The conveyance agreement also creates a partnership
39 for achieving property transfer by expressly recognizing the importance of the RAB. In the
40 agreement, the Navy pledges to continue to support the RAB and continue its functions and
41 operations. Ms. Warren said the agreement also provides that the City can inspect the property
42 and conduct its own due diligence to check on the conditions of the property before accepting
43 transfer. These agreements provide a closer working relationship between the City and the Navy
44 to try and move the cleanup process forward.

45 Ms. Warren also explained that the property conditions are different for different parcels. For
46 example, on Parcel A the cleanup standard the Navy needs to achieve is defined as unrestricted

1 residential reuse, as envisioned in the Parcel A ROD. For Parcel B, the City will hold the Navy
2 to the standard contained in the Parcel B ROD, which is cleanup to a level of 1×10^{-6} excess
3 cancer risk, even though regulators could relax that standard. She said that the City recognizes
4 that the Navy has experienced difficulties in trying to carry out the Parcel B ROD, and will work
5 with the Navy to try and resolve those problems. Ms. Warren said a ROD Amendment that is
6 open to public input is preferable to trying to work around the edges of the Parcel B ROD.

7 In whole, the conveyance agreement is seen by the City as a very positive document. To
8 discourage the Navy from intentionally slowing the cleanup process, the conveyance agreement
9 sets deadlines for cleanup as well as establishing incentives. The conveyance agreement does not
10 require the City to accept property that is not cleaned up nor is the conveyance agreement an
11 "early transfer". The Navy remains responsible for the property even after transfer to the City,
12 which is consistent with CERCLA law.

13 Ms. Warren concluded her presentation by quickly outlining the conveyance process. Once the
14 Navy offers a parcel to the City, the redevelopment agency has either 60 days (in the case of
15 Parcel A) or 30 days (for the other parcels) to determine whether the Navy has met the
16 requirements contained in the conveyance agreement. Assuming they've met the requirements,
17 the agency will notify the Navy of the concurrence and the process concludes 120 days after the
18 initial notice.

19 Ms. Pendergrass opened the floor for questions. Mr. Manual asked if the Navy has agreed to
20 adhere to Proposition P. Mr. Forman replied that the Navy has not agreed to that, however the
21 conveyance agreement incorporates the principles of Proposition P. Ms. Warren clarified that
22 when the Board of Supervisors endorsed Proposition P, they said it called for the highest
23 standards of cleanup that was practical to achieve. The conveyance agreement incorporates that
24 concept by establishing cleanup standards that will allow the redevelopment plan to be
25 implemented.

26 Kevyn Lutton, RAB member, asked for clarification on why the Mayor was called to
27 Washington D.C. Ms. Warren replied that new Navy management, who had not been involved
28 with the original negotiations, expressed some concerns about the conveyance agreement and
29 asked for a meeting to discuss their reservations.

30 A third break called at 8:58 P.M. Ms. Pendergrass called the meeting back to order at 9:04 P.M.

31 Georgia Oliva, RAB member, asked for clarification on a comment Mr. Forman made earlier in
32 the evening in reference to potential lead-based paint and asbestos cleanup at Building 322 being
33 the responsibility of the developer while in contrast Ms. Warren said the Navy is ultimately
34 responsible for cleaning up the property prior to transfer, per the conveyance agreement. Pat
35 Brooks, Navy Lead Remedial Project Manager (RPM), replied that lead-based paint and asbestos
36 remediation will be the responsibility of the new developer when it is demolished. Any
37 radiological contamination, if found, will be cleaned up by the Navy. Ms. Warren added that
38 they are in agreement with the Navy since lead-based paint and asbestos are not covered under
39 CERCLA.

40 Mr. Tompkins asked if adjacent properties will be considered in the event of a property transfer.
41 Ms. Warren replied that the conveyance agreement include assurances that the parcel is safe for
42 the intended use and also requires looking at whether there are any possibilities of contamination
43 from adjacent uses. Mr. Tompkins asked for further clarification, while Mr. Brown made a
44 motion that the RAB approve a resolution calling for a full environmental review of the entire
45 Shipyard as RAB's response to the conveyance agreement. Ms. Pendergrass called the motion
46 and the motion carried.

1 Francisco Da Costa, attendee, asked Ms. Warren to address the rights of the Muwekma Ohlone
2 and conduct an archaeological survey of the Shipyard.

3 Mr. Campbell asked Ms. Warren to comment on Parcels C and D. She said one of the important
4 provisions of the conveyance agreement related to Parcels C and D is the requirement that the
5 Navy use its best good-faith efforts to reach cleanup standards. She said the Navy was concerned
6 that the required cleanup standards would be too difficult to reach, while the City was concerned
7 that the Navy would not try hard enough. The conveyance agreement defines the good-faith
8 effort to be spending up to \$120 million on Parcels C and D from the time that they enter into the
9 agreement. Dr. Sumchai asked if that means the Navy can transfer dirty property after spending
10 the required \$120 million trying to clean it up. Ms. Warren replied that the City is not obligated
11 to accept the property at that time. In the event the Navy cannot reach the cleanup standards, the
12 conveyance agreement allows for the City and the Navy to renegotiate the transfer.

13 Ms. Pendergrass closed the question and answer period.

14 Future Agenda Topics

15 Aside from the standard agenda topics and subcommittee updates, the following topic was
16 proposed for the May RAB meeting:

- 17 • Nominations for RAB Community Co-Chair

18 Other Discussions/Topics

19 The following items were also discussed at the RAB meeting. A verbatim account of these
20 discussions is included in the Information Repository for HPS and may also be found on the HPS
21 web page at www.efds.w.navy.mil/Environmental/HuntersPoint.htm

- 22 • Ms. Bushnell raised a question with regard to dismissal of non-participating RAB
23 member who have been removed from the RAB due to absences. She said the HPS
24 Bylaws specify four absences in a calendar year and she feels the MB&CO
25 Subcommittee erred in prematurely removing four RAB members. Ms. Rines replied that
26 the issue was raised in a previous RAB meeting and will be discussed in depth at the next
27 MB&CO Subcommittee meeting. In the meantime, the rule will continue to be applied
28 until such time as the Bylaws are revised or additional language is added.
- 29 • Sam Ripley, RAB member, asked that Dr. Sumchai's presentation be made available in
30 other languages.
- 31 • Mr. Capobres announced that the redevelopment commission will hold a special meeting
32 at 6:00 p.m. on Thursday, April 29th, at the Bayview Opera House to discuss
33 authorization of the conveyance agreement.

34 There were no further announcements. The meeting was adjourned at 9:20 p.m.

35 **Reminder: The next RAB meeting will be held from 6:00 to 8:00 P.M., Thursday evening,**
36 **27 May 2004 at Dago Mary's Restaurant, Building #916 on the Shipyard.**

ATTACHMENT A

22 APRIL 2004 - RAB MEETING
LIST OF ATTENDEES

Name	Association
1. Christine M. Niccoli	Niccoli Reporting, court reporter
2. Marsha Pendergrass	Pendergrass & Associates
3. Keith Forman	Navy, RAB Co-chair
4. Pat Brooks	Navy, Lead Remedial Project Manager
5. Ryan Ahlersmeyer	Navy, Remedial Project Manager
6. Glenn Christensen	Navy
7. Mark Gelsinger	Navy
8. Matthew Lenz	Navy, ROICC Office
9. Ralph Pierce	Navy
10. Lee Saunders	Navy, Public Affairs Office (PAO)
11. Peter Stroganoff	Navy, ROICC Office
12. Lynne Brown	RAB Community Co-chair , Communities for a Better Environment, CFC
13. Lani Asher	RAB member, Communities for a Better Environment, CFC
14. Barbara Bushnell	RAB member, ROSES, Silverview Terrace Homeowners Association
15. Maurice Campbell	RAB member, BDI, CFC, New California Media
16. Charles Dacus	RAB member, R.O.S.E.S.
17. Chris Hanif	RAB member, Young Community Developers
18. Mitsuyo Hasegawa	RAB member, JRM Associates
19. Lea Loizos	RAB member, ARC Ecology
20. Kevyn Lutton	RAB member, resident
21. J.R. Manual	RAB member, JRM Associates
22. Jesse Mason	RAB member, CFC
23. Georgia Oliva	RAB member, CBE, CCA member
24. Karen Pierce	RAB member, BVHP Democratic Club, HEAP
25. Melita Rines	RAB member, India Basin Neighborhood Association
26. Sam Ripley	RAB member, Samoan American Media Services
27. Ahimsa Sumchai	RAB member, BVHP Health and Environmental Resource Center
28. Keith Tisdell	RAB member, resident
29. Raymond Tompkins	RAB member, BVHP Coalition on the Environment
30. Tom Lanphar	RAB member, Dept Toxic Substances Control
31. Jackie Lane	RAB member, US EPA
32. James Ponton	RAB member, SF Regional Water Quality Control Board
33. Michael Work	RAB member, US EPA
34. Arvind Acharya	Innovative Technical Solutions, Inc
35. Doug Bielskis	ERRG
36. Erica Bolden	YCD
37. Maurice Brown	YCD
38. Patricia Brown	Shipyard artist
39. Don Capobres	San Francisco Redevelopment Agency
40. Debra Carroll	The Point
41. Marian Chapman	
42. Francisco Da Costa	Environmental Justice Advocacy
43. Sharlissa Evans	YCD
44. Benjamin Feick	Waste Solutions Group
45. Marie J. Franklin	Shoreview Environmental Justice Movement, Inc.
46. Andre Freeman	YCD
47. Rene Gonzalvez	Alpha & Omega Evangelistic Ministries

48. Neil Hart	Tetra Tech EM Inc
49. Trina Hill	YCD
50. Carolyn Hunter	Tetra Tech EM Inc
51. Espanola Jackson	Muwekma Ohlone
52. Ken Johnson	Channel 29
53. Marques Jones	YCD
54. Ronald Keichline	Innovative Technical Solutions, Inc.
55. Sebrina LaFelur	
56. Andy Lakalaka	Samoan Media Services
57. Morgan Malfatti	YCD
58. Quijuan Maloof	Pendergrass & Associates
59. Debra Moore	Innovative Technical Solutions, Inc
60. Sherlina Nageer	Literacy for Environmental Justice
61. Dennis Robinson	Shaw Environmental & Infrastructure, Inc
62. Paul Rodriguez	YCD
63. Bernadette Scarborough	YCD
64. Matthew L. Shaps, Esq.	Paul Hastings LLP for Lennar
65. Clifton J. Smith	CJ Smith and Assonates, Eagle Environmental Construction.
66. Cynthia Stokes	Resident
67. Wayata Turner	YCD
68. Julia Vetromile	Tetra Tech EM Inc
69. Elaine Warren, Esq.	San Francisco Office of City Attorney (guest speaker)
70. Peter Wilsey	SF Dept of Public Health

ATTACHMENT B

22 APRIL 2004 - RAB MEETING
ACTION ITEMS

Item No.	Action Item	Due Date	Person/Agency Committing to Action Item	Resolution Status
Carry-Over Items				
1.	Navy to respond to letter from Kevyn Lutton (introduced at the March RAB meeting) objecting to beginning Parcel D removal action activities prior to closing of comment period	Prior to May RAB	Navy	
2.	Navy to provide to Georgia Oliva a list of items/material removed during Dry Dock 4 and Parcel E Shoreline restoration	May RAB	Navy/ Keith Forman	
3.	Navy to notify David Terzian and Navy Caretaker Site Office prior to removal of AMC's cranes at Dry Dock 4	TBD	Navy/ Keith Forman	
New Items				
1.	Lynne Brown to provide Ronald Keichline (ITSI) with language for motion related to RAB subcommittees meeting with outside agencies	ASAP	Lynne Brown	
2.	L. Brown to report on discussions with subcommittee chairs regarding consistency, content, and attendance of subcommittee meetings	May RAB	Lynne Brown	
3.	M. Work to report to the RAB about which studies went into establishing the PRGs for manganese	May RAB	EPA/ Michael Work	
4.	Navy to address the issues of concern raised by Dr. Sumchai in her presentation on <u>Parcel A ROD and Related Documents</u>	May RAB	Navy	
5.	L. Brown to forward questions from the community, if any, to ITSI in advance of the May 1 st special meeting at Milton Meyers Gym	Prior to May 1 st	L. Brown	

HUNTERS POINT SHIPYARD
RESTORATION ADVISORY BOARD

REPORTER'S TRANSCRIPT OF MEETING

April 22, 2004

Dago Mary's Restaurant
Hunters Point Shipyard, Building 916
Donahue Street at Hudson Avenue
San Francisco, California

Reported by Christine M. Niccoli, RPR, C.S.R. No. 4569

NICCOLI REPORTING

619 Pilgrim Drive

Foster City, CA 94404-1707

(650) 573-9339

CERTIFIED SHORTHAND REPORTERS SERVING THE BAY AREA

Page 1

RAB MEMBERS [Cont.]:

3 JACQUELINE ANN LANE - U.S. Environmental Protection
4 Agency (EPA)
5 LEA LOIZOS - Arc Ecology
6 KEVYN D. LUTTON - Resident
7 J. R. MANUEL - JRM Associates, India Basin resident
8 JESSE MASON - Community First Coalition (CFC)
9 GEORGIA OLIVA - Communities for a Better Environment
10 (CBE), CCA member
11 KAREN G. PIERCE - Bayview Advocates, Bayview-Hunters
12 Point Democratic Club, BVHP Health & Environmental
13 Assessment Program, HEAP
14 JAMES D. PONTON - San Francisco Bay Regional Water
15 Quality Control Board
16 MELITA RINES - India Basin Neighborhood Association
17 SEALI'IMALIETO A SAM RIPLEY - Samoan American Media
18 Services
19 AHIMSA PORTER SUMCHAI - Bayview-Hunters Point Health &
20 Environmental Resource Center (HERC)
21 KEITH TISDELL - Hunters Point resident
22 RAYMOND TOMPKINS - Bayview-Hunters Point Coalition on
23 the Environment
24 MICHAEL WORK - U.S. Environmental Protection Agency (EPA)

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PARTICIPANTS

3 FACILITATOR: MARSHA PENDERGRASS - Pendergrass &
4 Associates
5 CO-CHAIRS: KEITH FORMAN - United States Navy SWDIV
6 LYNNE BROWN - Communities for a Better
7 Environment (CBE), Community
8 First Coalition (CFC)
9
10 RAB MEMBERS
11
12 LANI ASHER - Communities for a Better Environment (CBE),
13 Community First Coalition (CFC)
14 BARBARA BUSHNELL - Residents of the Southeast Sector
15 (R.O.S.E.S.), Silverview Terrace Homeowners
16 Association, resident
17 MAURICE CAMPBELL - Business Development, Inc. (BDI);
18 Citizens Advisory Committee, Community First Coalition
19 (CFC); New California Media; NEW BAYVIEW NEWSPAPER
20 CHARLES L. DACUS, SR. - Hunters Point resident,
21 Residents of the Southeast Sector (R.O.S.E.S.)
22 CHRIS HANIF - Young Community Developers (YCD)
23 MITSUYO HASEGAWA - JRM Associates
24 TOM LANPHAR - California Department of Toxic Substances
25 Control (DTSC)

Page 2

OTHER ATTENDEES

3 ARVIND ACHARYA - Innovative Technical Solutions, Inc.
4 (I.T.S.I.)
5 RYAN AHLERSMEYER - United States Navy
6 DOUG BIELSKIS - Tetra Tech EM Inc.
7 ERICA BOLDEN - Young Community Developers (YCD)
8 PATRICK BROOKS - United States Navy
9 MAURICE BROWN - Young Community Developers (YCD)
10 PATRICIA BROWN - Shipyard artist
11 ADON CAPOBRES - San Francisco Redevelopment Agency
12 DEBORAH CARROLL - The Point
13 MARIAN CHAPMAN
14 GLENN CHRISTENSEN - United States Navy
15 FRANCISCO DA COSTA - Environmental Justice Advocacy
16 SHARLISSA EVANS - Young Community Developers (YCD)
17 BENJAMIN FEICK - Waste Solutions Group (WSG)
18 MARIE J. FRANKLIN - Shoreview Environmental Justice
19 Movement Inc.
20 ANDRE FREEMAN - Young Community Developers (YCD)
21 MARK A. GELSINGER - United States Navy
22 RENE GONZALVEZ - Alpha & Omega Evangelistic Ministries
23 NEIL HART - Tetra Tech FW, Inc. (TTFWD)
24 TRINA HILL - Young Community Developers (YCD)
25 CAROLYN HUNTER - Tetra Tech EM Inc.

Page 4

1 OTHER ATTENDEES [Cont.]:
2
3 ESPANOLA JACKSON - Muwekma Ohlone, BVHP
4 KEN JOHNSON - Channel 29
5 MARQUES J. JONES - Young Community Developers (YCD)
6 RONALD WM. KEICHLIN - Innovative Technical Solutions,
7 Inc. (I.T.S.I.)
8 SEBRINA LaFLEUR
9 ANDY LAKALAKA - Samoa Media Service
10 MATTHEW W. LENZ - United States Navy ROICC Office
11 MORGAN MALFATTI - Young Community Developers (YCD)
12 QUIJUAN MALOOF - Pendergrass & Associates
13 DEBRA MOORE - Innovative Technical Solutions, Inc.
14 (I.T.S.I.)
15 SHERLINA NAGEER - Literacy for Environmental Justice
16 (LEJ)
17 RALPH PEARCE - United States Navy
18 DENNIS M. ROBINSON - Shaw Environmental &
19 Infrastructure, Inc.
20 PAUL RODRIGUEZ - Young Community Developers (YCD)
21 LEE H. SAUNDERS - United States Navy
22 BERNADETTE SCARBROUGH - Young Community Developers (YCD)
23 MATTHEW L. SHAPS, ESQ. - Paul Hastings LLP for Lennar
24 CLIFTON J. SMITH - C.J. Smith & Associates, Eagle
25 Environmental Construction

Page 5

1 OTHER ATTENDEES [Cont.]:
2
3 CYNTHIA STOKES - Resident
4 PETER STROGANOFF - United States Navy ROICC Office
5 WAYZATA TURNER - Young Community Developers (YCD)
6 JULIA VETROMILE - Tetra Tech EM Inc.
7 ELAINE C. WARREN, ESQ. - San Francisco Office of City
8 Attorney (guest speaker)
9 PETER WILSEY - San Francisco Department of Public Health
10 ---oOo---

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1 SAN FRANCISCO, CALIFORNIA, THURSDAY, APRIL 22, 2004
2 6:01 P.M.
3 ---oOo---
4 MS. PENDERGRASS: Let's convene this meeting
5 tonight of the . . .
6 (Sotto voce discussion.)
7 MS. PENDERGRASS: All right. Good evening,
8 everybody. Tonight we're starting our Tuesday [sic],
9 April 22nd, Hunters Point Shipyard Restoration Advisory
10 Board meeting. Welcome, everyone.
11 And as always, we'll start with introductions
12 tonight. The RAB is around the table, RAB members and
13 those regulators around the table, audience around the
14 edges there. We will start with RAB members tonight as
15 introduction, and then we'll introduce the audience.
16 In an effort to make the job easier for our
17 court reporter, Miss Christine, we would like for you to
18 talk up nice and loud tonight. Speak clearly your names
19 so we can go on the record. And as you all know, these
20 proceedings in their totality -- every word, verbatim --
21 is on the Web site the Navy has put up.
22 MR. TOMPKINS: Do we have a quorum to call the
23 meeting, enough members?
24 MS. PENDERGRASS: We don't need a quorum to
25 start introduction.

Page

1 MR. TOMPKINS: Okay.
2 MS. PENDERGRASS: We will have one tonight, no
3 doubt.
4 MR. TOMPKINS: Hopefully.
5 MS. PENDERGRASS: All right. Let's get
6 started, and we'll start with the man chewing gum on the
7 left.
8 MR. TOMPKINS: I love you too.
9 MS. BUSHNELL: Thank you.
10 MR. BROWN: I'm Lynne Brown, co-chair of the
11 Restoration Advisory Board.
12 MR. FORMAN: I'm -- I'm Keith Forman. I'm the
13 Navy BRAC Environmental Coordinator and the Navy
14 co-chair.
15 MS. PENDERGRASS: Okay.
16 MR. BROOKS: I'm Pat Brooks. I'm the Navy lead
17 Remedial Project Manager.
18 MR. WORK: Michael Work with U.S. EPA.
19 MR. PONTON: Jim Ponton with the San Francisco
20 Regional Water Quality Control Board.
21 MR. HANIF: Chris Hanif, Young Community
22 Developers.
23 MS. BUSHNELL: Barbara Bushnell, RAB, ROSES,
24 Silverview Terrace Homeowners Association.
25 MS. PENDERGRASS: Welcome.

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1 MR. RIPLEY: Seali'imalietao Sam Ripley with
2 Samoan American Media Services.
3 DR. SUMCHAI: Ahimsa Sumchai, RAB.
4 MR. MALOOF: Quijuan Maloof, Pendergrass &
5 Associates.
6 MR. KEICHLINE: Ronald Keichline, I.T.S.I.
7 MR. CAMPBELL: Maurice Campbell, Community
8 First Coalition, RAB member.
9 MS. PENDERGRASS: You have to speak up there
10 now.
11 MR. CAMPBELL: RAB member. How's that?
12 MS. PENDERGRASS: Thank you so much.
13 MS. OLIVA: Georgia Oliva, Shipyard artist and
14 RAB member.
15 MR. TOMPKINS: Raymond Tompkins, RAB member.
16 I'll leave it at that.
17 MS. PENDERGRASS: All right. Start back here,
18 sir.
19 MR. JOHNSON: Ken Johnson, working with
20 Channel 29.
21 MS. PENDERGRASS: Ken Johnson, working with
22 Channel 29.
23 MR. ROBINSON: Dennis Robinson, Shaw
24 Environmental.
25 MS. PENDERGRASS: Thank you.

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1 MR. STROGANOFF: Peter Stroganoff with the Navy
2 ROICC office.
3 MR. LENZ: Matt Lenz with the Navy ROICC
4 office.
5 MS. LANE: Jackie Lane, EPA community
6 involvement.
7 MS. JACKSON: Espanola Jackson.
8 MR. GONZALVEZ: Rene Gonzalez, Alpine & Omega
9 Evangelistic Ministries.
10 MS. PENDERGRASS: Can you say it again, sir?
11 MR. GONZALVEZ: Rene Gonzalez.
12 MS. PENDERGRASS: Rene Gonzalez. Okay. Yes,
13 sir.
14 Lea?
15 MS. LOIZOS: Hi. I'm Lea Loizos, Arc Ecology.
16 MS. PENDERGRASS: Okay. Very good.
17 And if we can start over here, sir, with the
18 camera. Sir?
19 MR. LAKALAKA: Andy Lakalaka for Samoa Media
20 Services.
21 MS. PENDERGRASS: What's your name, sir?
22 MR. LAKALAKA: Andy Lakalaka.
23 MS. PENDERGRASS: Andy . . .
24 MR. FORMAN: . . . Lakalaka.
25 MS. PENDERGRASS: Okay. Very fine. Thank you.

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1 MR. BROWN: Maurice Brown, Young Community
2 Developers,
3 MS. PENDERGRASS: Maurice Brown, Young
4 Community Developers.
5 MS. HILL: Trina Hill, Young Community
6 Developers.
7 MS. PENDERGRASS: Trina Hill.
8 MR. FREEMAN: Andre Freeman, Young Community
9 Developers.
10 MS. PENDERGRASS: All right.
11 Yes, ma'am.
12 MS. VETROMILE: Julia Vetromile, Tetra Tech.
13 MS. PENDERGRASS: Julia . . .
14 MS. VETROMILE: . . . Vetromile.
15 MS. PENDERGRASS: Vetromile, Tetra Tech. All
16 right.
17 Yes, sir.
18 MR. GELSINGER: Mark Gelsinger, Navy
19 contracting officer.
20 MS. PENDERGRASS: Christine, did you get that?
21 THE REPORTER: (Nods.)
22 MS. PENDERGRASS: Yes, sir.
23 MR. PEARCE: Ralph Pearce, Navy Remedial
24 Project Manager.
25 MS. PENDERGRASS: Yes, sir, Mr. Pearce.

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1 MR. CHRISTENSEN: Glenn Christensen, Navy RPM.
2 MS. PENDERGRASS: Thank you, sir.
3 MR. RODRIGUEZ: Paul Rodriguez, Young Community
4 Developers.
5 MS. PENDERGRASS: That was Paul Rodriguez,
6 Young Community Developers.
7 MR. JONES: Marques Jones, Young Community
8 Developers.
9 MS. PENDERGRASS: Marques Jones.
10 MS. TURNER: Wayzata Turner, Young Community
11 Developers.
12 MS. PENDERGRASS: Spell Wayzata.
13 MS. TURNER: W-a-y-z-a-t-a.
14 MS. PENDERGRASS: W-a-y-z-a-t-a. Beautiful
15 name. What's your last name again?
16 MS. TURNER: Turner.
17 MS. PENDERGRASS: Turner. Thank you. And
18 you're with YCD as well?
19 MS. TURNER: Yes.
20 MS. PENDERGRASS: Thank you, ma'am.
21 MS. SCARBROUGH: Bernadette Scarbrough, Young
22 Community Developers.
23 MS. PENDERGRASS: Bernadette . . .
24 MS. SCARBROUGH: . . . Scarbrough.
25 MS. PENDERGRASS: Scarbrough?

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1 MS. SCARBROUGH: Yes, ma'am.
2 MS. PENDERGRASS: Thank you.
3 MS. BOLDEN: Erica Bolden, Young Community
4 Developers.
5 MS. PENDERGRASS: Erica Boldon?
6 MS. BOLDEN: Bolden.
7 MS. PENDERGRASS: Bolton?
8 MS. BOLDEN: Bolden.
9 MS. PENDERGRASS: Bold- --
10 MR. ATTENDEE: Bolding [phonetic].
11 MS. PENDERGRASS: Bolding [phonetic]. Thank
12 you. I'm sorry. Slow, but sure, back here.
13 Yes, ma'am.
14 MS. EVANS: Sharlissa Evans, Young Community
15 Developers.
16 MS. PENDERGRASS: Sharlee?
17 MS. EVANS: Sharlissa.
18 MS. PENDERGRASS: Sharlissa Evans. Thank you.
19 Yes, sir.
20 MR. MALFATTI: Morgan Malfatti, Young Community
21 Developers.
22 MS. PENDERGRASS: Morgan . . .
23 MR. MALFATTI: . . . Malfatti.
24 MS. PENDERGRASS: Malfatti. We'll handle that
25 one. All right.

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1 Yes, sir.
2 MR. AHLERSMEYER: Ryan Ahlersmeyer, Navy RPM.
3 MS. PENDERGRASS: Ryan, yes, sir.
4 MR. HART: Neil Hart, Tetra Tech.
5 MS. PENDERGRASS: Neil Hart. Okay.
6 And we had some RAB members that have just --
7 Mr. Mason?
8 MR. MASON: Jesse Mason, resident.
9 MS. PIERCE: Karen Pierce, Bayview-Hunters
10 Point Democratic Club and Bayview-Hunters Point Health &
11 Environmental Assessment Task Force.
12 MR. DACUS: Charles L. Dacus, ROSES and RAB.
13 MS. PENDERGRASS: Charles Dacus. All right.
14 Yes, yes, sir.
15 MR. TISDELL: Keith Tisdell, RAB member,
16 resident.
17 MS. PENDERGRASS: Okay. Did we miss anybody?
18 All right. Very fine.
19 As a reminder, please turn off your cell phones
20 and pagers. And if you have anything to say tonight, we
21 would like to make sure that you get a microphone, and
22 Mr. Maloof or Mr. Keichline will make sure you get that
23 so that you can be heard tonight.
24 Has everybody had a chance to get an agenda?
25 And then they're on the back table back there. Any

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1 changes or suggestions or comments regarding the agenda
2 from any of the RAB members?
3 I don't see any hands. All right. We'll
4 accept this agenda as it is.
5 Can I remind all of the RAB members and
6 audience to please sign in at -- at the back table,
7 there's a sign-in sheet. For RAB members, it's
8 important to keep your membership up. For the audience,
9 it's important if you'd like to be on our mailing list.
10 And you know what? Carolyn.
11 MS. HUNTER: That's okay.
12 MS. PENDERGRASS: Okay. Go ahead.
13 MS. HUNTER: All right. Carolyn Hunter, Tetra
14 Tech.
15 MS. PENDERGRASS: I'm sorry.
16 MS. HUNTER: That's okay.
17 MS. PENDERGRASS: All right. Has everybody had
18 a chance to look at the minutes? I would just like to
19 draw attention to how beautiful our minutes look with
20 the little numbers running down the side and letters
21 across the page, nice black-and-white contrast.
22 Thank you, Mr. Keichline, for these wonderful
23 minutes.
24 MR. TISDELL: And the stenographer for taking
25 them, thank you for being patient with us.

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1 MS. PENDERGRASS: They are so beautiful.
2 They're just a work of literary genius.
3 Moving right along with the minutes, any
4 comments to the minutes?
5 Yes.
6 MS. LOIZOS: Well, my only suggestion is that
7 maybe if we could get the minutes, like, even a day or
8 two earlier than we do. Sometimes -- like, I didn't get
9 them in the mail until yesterday, and that's not always
10 enough time to review them.
11 MS. PENDERGRASS: You're not getting them via
12 e-mail?
13 MS. LOIZOS: I got the E-mail, I think, also
14 twice.
15 MS. PENDERGRASS: I got it last week. So --
16 MS. LOIZOS: Oh, yeah.
17 MS. PENDERGRASS: So maybe it just came late
18 for you.
19 Mr. Keichline, can you do a li- -- can you try
20 to do that a little better?
21 MR. KEICHLINE: Sure, we'll work to get those
22 out faster.
23 MS. LOIZOS: Not weeks, but, you know.
24 MS. PENDERGRASS: Yeah. That would be great.
25 Yes, ma'am, Miss Bushnell.

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1 MS. BUSHNELL: Yes. I'm -- I'm dealing with
2 page 3 --
3 MS. PENDERGRASS: Yes, ma'am.
4 MS. BUSHNELL: -- line 20.
5 MS. PENDERGRASS: Yes, ma'am. I'm there with
6 you.
7 MS. BUSHNELL: And this has to do with removal
8 of RAB members.
9 MS. PENDERGRASS: Yes.
10 MS. BUSHNELL: For -- I put out an e-mail,
11 which I think was just sent out. The -- Apparently,
12 there was an assumption that calendar year means
13 12 months from today till 12 months back --
14 MS. PENDERGRASS: Yes, ma'am.
15 MS. BUSHNELL: -- where in the dictionary,
16 calendar year is something that begins in January and
17 ends in December.
18 MS. PENDERGRASS: Yes, ma'am.
19 MS. BUSHNELL: And so decisions was made to
20 throw three members off the RAB because they missed four
21 meetings in the 12 months when they looked at it.
22 And I requested that they send apologies to the
23 three people that were thrown off inappropriately. I
24 did not receive any response 'cause it was a short
25 notice on that.

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1 MS. PENDERGRASS: All right.
2 MS. BUSHNELL: But there seems to be some
3 misunderstanding of what calendar year means, although I
4 think the dictionary's pretty clear and the bylaws were
5 pretty clear about it. So --
6 MS. PENDERGRASS: All right. Miss Bushnell, at
7 this point, we do have the Bylaws Committee here
8 tonight. They will be reporting at that time. Is it
9 all right if they --?
10 MS. BUSHNELL: The Bylaws Committee canceled
11 their meeting this month. So there was no opportunity
12 for the people who were thrown off to reapply.
13 MS. PENDERGRASS: Okay.
14 MS. BUSHNELL: So this --
15 MS. PENDERGRASS: Just a --
16 MS. BUSHNELL: -- again says, "Okay, we changed
17 the rules, and then we canceled the meeting," so they
18 can't even reapply and come back on.
19 So where -- where is this? What --? Who's --
20 MS. PENDERGRASS: I un- --
21 MS. BUSHNELL: -- interpreting?
22 MS. PENDERGRASS: I understand your concerns,
23 and I -- and we can certainly address that concern and
24 have an answer and discussion when we have committee
25 reports.

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1 MS. BUSHNELL: Okay, but what I -- my question
2 is, it only mentions one person in this, and there were
3 in fact four people dismissed.
4 So I'm questioning how accurate these minutes
5 are in regards to the people that are mentioned as
6 being -- not being on the board anymore.
7 MS. PENDERGRASS: Yes, ma'am.
8 In terms of the accuracy of the minutes,
9 Mr. Keichline, can you address that?
10 MR. KEICHLINE: Certainly, I can. The three
11 other RAB members were removed last month, and that's
12 reported in the February minutes. So only Miss Franklin
13 was removed in March.
14 MS. PENDERGRASS: And in -- for the -- for the
15 rest of the discussion on that, though, we'll certainly
16 take that up with the Bylaws Committee as they do their
17 report, but there's no changes as noted to these
18 particular minutes for this month.
19 Any changes or other comments regarding the
20 minutes? I'm calling for the question. Someone needs
21 to call the question.
22 MR. TOMPKINS: I call for the question.
23 MS. PENDERGRASS: Question is whether to accept
24 these minutes as --
25 MS. PIERCE: I move the minutes be accepted as

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1 presented.
2 MS. PENDERGRASS: Okay.
3 Second to that?
4 MR. TISDELL: Second.
5 MS. PENDERGRASS: All right, we have a second.
6 All in favor of accepting the minutes --
7 THE BOARD: Aye.
8 MS. PENDERGRASS: -- say "Aye."
9 THE BOARD: Aye.
10 MS. PENDERGRASS: Those abstaining?
11 (Mr. Tompkins raises his hand.)
12 MS. PENDERGRASS: We have two abstentions.
13 And any opposed?
14 (No verbal response elicited.)
15 MS. PENDERGRASS: All right. So those minutes
16 are accepted and will be entered into the record.
17 Now we'll move forward with action items from
18 last month.
19 And Mr. Tis- -- Tisdell, your hand is noted,
20 but we'll hold that until your report time. Is that all
21 right?
22 I said your --
23 MR. TISDELL: Oh.
24 MS. PENDERGRASS: -- your hand was noted.
25 All right. We had no carry-over items, but we

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1 did have Navy to respond to the letter from Kevyn Lutton
2 introduced at the March RAB meeting objecting to
3 beginning Parcel D removal action activities prior to
4 closing of comment period, and the Navy was going to
5 respond to that letter.
6 Has that happened?
7 MR. FORMAN: We've internally done it. We're
8 going to present that as a part of -- her comments were
9 part of the Parcel D Time Critical Removal Action, and
10 that's what she was referring to, and we are going to
11 present that with the rest of the package.
12 MS. PENDERGRASS: Okay. Very fine.
13 Miss Lutton?
14 MS. LUTTON: Yeah?
15 MS. PENDERGRASS: Is that all right with you
16 today?
17 MS. LUTTON: Well, is it going to include all
18 my comments or --? Actually, I would like all of my
19 comments addressed.
20 MR. FORMAN: Yeah, that's what I -- I was going
21 to put all your comments in the package in response at --
22 at the same time.
23 MS. PENDERGRASS: Does that address your
24 concerns?
25 MS. LUTTON: Yes, it does.

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1 MS. PENDERGRASS: Can we remove your item, or
2 shall we --?
3 MS. LUTTON: Is that happening tonight?
4 MR. FORMAN: No.
5 MS. LUTTON: No?
6 MR. FORMAN: No.
7 MS. PENDERGRASS: Would you like it carried
8 over?
9 MS. LUTTON: Yeah. Yes.
10 MS. PENDERGRASS: When do you prepare to
11 respond?
12 MR. FORMAN: Two weeks from now?
13 I believe it's going to take two to three more
14 weeks.
15 MS. PENDERGRASS: Okay. So would that be the
16 next RAB meeting?
17 MR. FORMAN: It will be prior to the next RAB
18 meeting.
19 MS. PENDERGRASS: Okay.
20 We'll carry it over, Miss Lutton, until the
21 next RAB meeting as an action item, and the -- the
22 consensus now is that you will be addressed prior to the
23 next meeting. So we'll look for resolution at that
24 time.
25 Mr. Brown, did you have something to add to

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1 that?
2 Okay. Item No. 2, I.T.S.I. to forward to RAB
3 members an electronic copy of letter from Kevyn Lutton.
4 Mr. Keichline, did that happen?
5 MR. KEICHLINE: Yes. It was e-mailed to the
6 RAB on April 13th.
7 MS. PENDERGRASS: RAB members, anybody did not
8 get that letter?
9 (Mr. Tisdell raises his hand.)
10 MS. PENDERGRASS: Mr. Tisdell? Did you not get
11 that letter?
12 MR. TISDELL: No.
13 MS. PENDERGRASS: Since it was e-mailed, do you
14 have e-mail, Mr. Tisdell?
15 MR. TISDELL: No.
16 MS. PENDERGRASS: Then --
17 MR. TISDELL: You know, I like a copy of the
18 letter pertaining to it so I can be informed.
19 MS. PENDERGRASS: Mr. Keichline, did you fax
20 the letter or mail the letter to Mr. Tisdell?
21 MR. KEICHLINE: No. It was e-mailed only. In
22 the future, we can fax --
23 MS. PENDERGRASS: All right. Can we --?
24 MR. KEICHLINE: -- if that's requested over
25 mail.

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1 MS. PENDERGRASS: Can we just go on record as
2 just making this so that this doesn't come up again?
3 Whenever there's a directive regarding correspondence to
4 the RAB as a whole, that means whatever means is
5 necessary to get it to the RAB, okay? So those who
6 don't have e-mail shouldn't have to worry about that.
7 Yes, ma'am.
8 MS. BUSHNELL: A second time, I had problems
9 getting that letter. I e-mailed Ron. He got it to me
10 in another format.
11 MS. PENDERGRASS: Very good.
12 MS. LUTTON: Me too. I couldn't open it in the
13 format that it came in but did get it.
14 MS. PENDERGRASS: Okay. Very good. All right.
15 So that one is completed.
16 Let's move to Item 3, Navy to provide list of
17 items and materials removed during Dry Dock 4 and
18 Parcel E shoreline restoration.
19 Mr. Forman, do you have anything to report on
20 that?
21 MR. FORMAN: Yes. Go ahead.
22 MR. BROOKS: I'll do that one.
23 We just completed the removal from the Parcel E
24 shoreline, and so that will be presented by e-mail, if
25 that will be okay, a list of that or before the next

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1 RAB.
2 MS. PENDERGRASS: Okay. Who brought that to
3 the action item list?
4 MR. FORMAN: I think it was Lani.
5 MS. PENDERGRASS: Okay.
6 MR. BROWN: Or Georgia.
7 MS. PENDERGRASS: All right.
8 MR. FORMAN: Georgia.
9 MS. PENDERGRASS: Georgia.
10 MS. OLIVA: You -- you had told me that you
11 were going to submit a work plan? You just said that
12 you've completed removal?
13 MR. BROOKS: No.
14 MR. FORMAN: No.
15 MR. BROOKS: No, that's not it.
16 MR. FORMAN: Go ahead.
17 MR. BROOKS: All we -- all we wanted to do here
18 on the action item was just to present an inventory of
19 the things that have already been removed from the dry
20 dock from before from Parcel E shoreline.
21 So while most of that stuff is being compiled,
22 we're just going to add a couple more things to do and
23 finalize that.
24 MS. OLIVA: And when will --? When -- when can
25 we receive a hard copy on that?

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1 MR. BROOKS: The list of -- of material that's
2 been removed? That will be prior to the next RAB
3 meeting.
4 MS. PENDERGRASS: All right. That will be
5 No. 3. We need to carry it over to the May RAB meeting.
6 MR. FORMAN: And -- and the slightly separate
7 issue to be -- the separate issue that Georgia addressed
8 is, we agreed with Mr. Terzian to give him copies of
9 work plans that are done so that he'll provide a copy to
10 the artists in the building, and they can review that
11 when -- when we put out future work plans.
12 MS. OLIVA: Okay. Will tha- -- will that,
13 then, present it Mr. Terzian before the RAB of the next
14 month?
15 MR. BROOKS: Work plans will be given to
16 Mr. Terzian as they are approved and as we're ready
17 to --
18 MR. FORMAN: Right. But the list of materials
19 removed actually is going to go directly to you because
20 you're the RAB member who requested it.
21 MS. OLIVA: Okay.
22 MR. FORMAN: We'll give that directly to you,
23 the list. It's not a work plan, but it's a list of
24 materials removed.
25 MS. OLIVA: Address it in e-mail?

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1 MR. FORMAN: Would you like it via e-mail?
2 MS. OLIVA: Well, I -- I'd ra- -- whatever's
3 most convenient.
4 MR. FORMAN: Okay.
5 MS. PENDERGRASS: All right. Very fine. We --
6 we'll move that -- We're going to hold that over until
7 the May RAB meeting for follow-up and resolution.
8 Number 4 is "Navy to notify David Terzian and
9 Navy Caretaker Site Office prior to removal of AMC's
10 cranes at Dry Dock 4."
11 Mr. Forman, you were following up on that?
12 MR. FORMAN: Yes. And there hasn't been any
13 progress on working with AMC to do that, but w- -- we
14 will do that when the time comes.
15 MS. PENDERGRASS: Okay. Is this going to be a
16 continuation item until it happens, or is the fact that
17 Mr. Forman's word is that he will notify you all when
18 this happens good enough?
19 MR. TOMPKINS: Continuation should be . . .
20 MR. FORMAN: Yeah, I think it should be
21 continued to be on the list until the situation happens
22 when the cranes are about to be removed.
23 MS. PENDERGRASS: All right. Well, then, let's
24 leave -- put this as a carry-over item. However, let's
25 move the due date to to be determined?

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1 MR. BROOKS: Yeah.
2 MS. PENDERGRASS: All right. Number 5:
3 "Status of request for seven-day extension on public
4 comment period of Parcel A FOST."
5 Again, Mr. Forman, you were to handle that, and
6 it says here that it's extended to the 26th.
7 MR. FORMAN: Yes, and I'm going to speak more
8 in meeting business on that.
9 MS. PENDERGRASS: Okay. Very fine.
10 Any other questions on that?
11 Yes, sir. Okay. If you don't have a question
12 on that, then, I would like to move to Mr. Brown as
13 co-chair for his comments tonight.
14 MR. BROWN: First of all, I like to -- to ask a
15 question: How did the RAB Tech Committee get in and
16 have a meeting with the Redevelopment CAC? I would like
17 that clarified to me because we didn't vote on anything.
18 And another thing, we have some motions
19 coming --
20 MS. PENDERGRASS: Let's stick to one question
21 at a time.
22 MR. BROWN: Yes. I would like that question --
23 MS. PENDERGRASS: Who are you addressing this
24 question?
25 MR. BROWN: To Lea.

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1 MS. LOIZOS: Lynne, I copied you on the letter 2 that I sent to Don Capobres from the Redevelopment 3 Agency, requesting that the Tech Subcommittee meeting 4 have a combined meeting with the environmental community 5 and the CAC, and then through Don we set it up. And I 6 think he was copied on it, and you were copied on it. 7 MR. BROWN: But -- 8 MS. LOIZOS: I -- I mean, I didn't know that 9 we've never voted on the subject matter of a Tech 10 Subcommittee meeting. 11 MR. BROWN: Well, we -- we were going to vote 12 on it. We were going to vote on it, Lea. 13 MS. LOIZOS: O -- Okay. 14 MS. PENDERGRASS: What's the issue here? 15 MR. BROWN: The issue is the RAB integrating 16 their information with the -- the Redevelopment CAC. 17 MS. PENDERGRASS: Okay. So there was something 18 that happened as -- 19 MR. BROWN: Right. 20 MS. PENDERGRASS: -- as part of the RAB that 21 went to the CAC? 22 MR. BROWN: Right. Exactly. 23 MS. PENDERGRASS: Okay. And that wasn't 24 discussed -- 25 MR. BROWN: Exactly.	1 you -- 2 MR. BROWN: Thank you. 3 MS. PENDERGRASS: Okay. So there's a motion 4 the floor -- 5 MR. TOMPKINS: Clarity on the motion? 6 MS. PENDERGRASS: There hasn't been a second 7 yet. 8 MR. TOMPKINS: I'll second it for discussion. 9 MS. PENDERGRASS: There's a second. So now we 10 need some discussion, add clarity to motion. 11 Yes, sir, Mr. Tompkins. 12 MR. TOMPKINS: Lynne. 13 MR. BROWN: Yes. 14 MR. TOMPKINS: In other words, are you saying 15 that, then, any subcommittee that -- I'm a little 16 conf- -- not -- not understanding. 17 In other words, for if they meet with other 18 organizations, they should first get approval here, or 19 what's the nature of it that the Tech -- 20 MR. BROWN: Right. 21 MR. TOMPKINS: -- Committee was to -- 22 MR. BROWN: Exactly. 23 MR. TOMPKINS: -- meet and then make 24 recommendations, or is this a joint --? Trying to get 25 clarity in terms of the purpose of --
1 MS. PENDERGRASS: -- as part of the CAC? 2 MR. BROWN: Exactly. 3 MS. PENDERGRASS: I mean as part of the RAB? 4 MR. BROWN: Yeah. 5 MS. PENDERGRASS: So are you going to address 6 that tonight, or is there some motion that you want to 7 put forth? 8 MR. BROWN: Yes. I like to make a motion that 9 we get -- the RAB members vote on that -- 10 MS. PENDERGRASS: Okay. 11 MR. BROWN: -- you know. 12 MS. PENDERGRASS: Is everybody privy to the 13 conversation or the information that they are voting on? 14 MS. PIERCE: No. I need -- 15 MS. BUSHNELL: No. 16 MR. PIERCE: I need a little clarification 17 on -- 18 MS. PENDERGRASS: Okay. 19 MS. PIERCE: -- no -- on what your motion is -- 20 MR. BROWN: My motion -- 21 MS. PIERCE: -- that -- wait -- that we -- that 22 before any committee meets with another organization 23 or -- or body, we vote on it? 24 MR. BROWN: Yeah. 25 MS. PIERCE: Okay. I just wasn't clear what	1 MR. BROWN: That's what -- 2 MR. TOMPKINS: -- function. 3 MR. BROWN: But that's what I'm trying to get 4 clarity on too. We should have had a vote on it. 5 That's all I'm saying. 6 MS. LOIZOS: Okay. I -- I'm -- I'm sorry if my 7 letter wasn't clear to you. 8 I mean, I'd just like to point out that the 9 Membership and Bylaws Committee frequently has meetings 10 that involve the Redevelopment Agency, and we have never 11 voted on that. 12 And the purpose of this meeting basically was 13 that -- I mean, there's been talks and there's been a 14 lot of confusion and discussion amongst the RAB members. 15 In fact, there was even a time when people were 16 trying to set up a subcommittee to deal with reuse 17 issues, and so it was becoming clear that there was 18 confusion amongst -- and there was some concern that 19 cleanup is not comporting with the suggested reuse of 20 the areas and that there's not enough discussion between 21 the two groups. 22 And so we were just going to sit down with them 23 and start those discussions and make sure that 24 everybody's on the same page about -- 25 MR. BROWN: But everybody --

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1 MS. LOIZOS: -- what the reuse plans says.
2 MR. BROWN: But everybody's not on the same
3 page --
4 MS. LOIZOS: Okay, so -- oh. That's wh --
5 that's why --
6 MR. BROWN: -- you know --
7 MS. LOIZOS: -- I'm telling you --
8 MR. BROWN: -- and what you should do if -- if
9 we put it up to a vote, you know. Excuse me.
10 MS. PENDERGRASS: Okay, but you need --
11 MS. LOIZOS: I'm not -- I'm not objecting to
12 that.
13 MS. PENDERGRASS: Wait a minute. Wait, wait,
14 wait. You need to put your finger down.
15 MR. BROWN: Right.
16 MS. PENDERGRASS: We need to let Miss Bushnell
17 continue --
18 MR. BROWN: Right.
19 MS. PENDERGRASS: -- with her question, and
20 then you'll have time --
21 MR. BROWN: Right.
22 MS. PENDERGRASS: -- to comment along with Miss
23 Asher.
24 MR. BROWN: All right.
25 MS. PENDERGRASS: Put your finger in your

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1 pocket.
2 MS. BUSHNELL: What -- what my question is, is
3 this setting up another subcommittee to meet with them,
4 or are we going to use what we have already recombined
5 and redone?
6 There's been -- We originally set out many
7 subcommittees; and now, like, several of them have been
8 put together and merged together and --
9 MR. BROWN: Right.
10 MS. BUSHNELL: -- we all meet impossibly too
11 many times a month.
12 Does this mean they are going to have another
13 subcommittee that's going to meet with them, or it's
14 just going to be plans as usual that you do whatever you
15 want? Which is the way it's been run.
16 MS. PENDERGRASS: Discussion?
17 MS. ASHER: Well, I mean, it is true that
18 Redevelopment does come to a lot of different meetings.
19 However, I always looked at the Tech Committee; I felt
20 that it was sort of by invitation, like when we meet
21 with the Navy or -- 'cause I don't think that the CAC
22 and a lot -- and I would say a lot of RAB members are on
23 the same page about the environmental cleanup from my
24 experience with other CAC meetings I've been to.
25 So I -- it makes me nervous to have them

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1 combined because I think they have different agendas,
2 although I think it's appropriate to invite them into
3 discussion if that's the purpose of it.
4 MS. LOIZOS: That -- that was in my mind --
5 MS. PENDERGRASS: Mr. Manuel.
6 MS. LOIZOS: -- the purpose of it.
7 MS. PENDERGRASS: One -- one moment.
8 Yes, sir.
9 MR. MANUEL: I have a two-part thing here.
10 If -- if I hear what Lynne Brown is saying,
11 what I think I hear him saying is that he believes that
12 before anybody goes and meets on -- in the behalf of the
13 Shipyard --
14 MR. BROWN: As a RAB.
15 MR. MANUEL: -- that they should -- that the
16 RAB should be the conduit in which outside interests are
17 inter- -- in exchange or whatever.
18 Is that what you're saying, Lynne?
19 MR. BROWN: Yes.
20 MR. MANUEL: Okay. That's -- okay. Okay.
21 Secondly, I basically support everything he's
22 saying a hundred percent because I have seen with my own
23 eyes -- as I agree with what Lani has just -- Lani had
24 said, I have seen in my own eyes that there's multiple
25 agendas going on, and CACs and agendas over time have

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1 not been consistent with the RAB's agenda.
2 And the CAC seems to feel that the community is
3 secondary in its interest to this Shipyard. They seem
4 to believe that the people on the base have preemptory
5 rights to the Shipyard over and above the rights of the
6 community.
7 So I agree with Lynne Brown. And if he hasn't
8 got a second, I'd be seconding it right now.
9 MS. PENDERGRASS: Mr. Tisdell, did you have
10 anything that hasn't been said to add to this
11 conversation?
12 MR. TISDELL: No, thank you.
13 MS. PENDERGRASS: All right.
14 Well, I'd like to add one point of order and
15 process before we continue on with the vote or
16 discussion.
17 And that is, the process for subcommittees is
18 this: You take information in the subcommittee. You
19 analyze that information. You talk about it. You
20 invite people. You talk about it. You come to some
21 conclusions or what have you.
22 Those -- Any of that information needs to be
23 summed up in minutes that are distributed, and
24 recommendations are presented to the full RAB with that
25 backup and support information from the RAB of what you

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1 suggest that the RAB should do. That's the process for
2 subcommittee.

3 There shouldn't be anything happening
4 representing the RAB outside of the RAB to any other
5 organizations. But meeting and talking and discussing
6 and coming and sharing information should happen in
7 subcommittee minutes. That's the purpose of
8 subcommittee work.

9 But you all, of course, can do it any way you
10 want to, but that's just a point of clarification in the
11 process.

12 So we had a hand up. Mr. Hanif.

13 MS. BUSHNELL: The problem is, these
14 subcommittees meet. There are some minutes handed out.
15 A lot of times there aren't. There is no record of a
16 lot of these meetings. The meetings are set at times
17 when a lot of people who work can't get there, or they
18 are set at times when we can't attend, and there are too
19 many meetings.

20 The RAB as a whole has never really looked at
21 the subcommittee setting, other than when they first set
22 it up, to say, What is convenient for us? What do we
23 need? What do we need to fill our information? You
24 need these minutes coming back every month? Do we use
25 them? Are they useful to us?

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1 Our purpose here is to take the information the
2 Navy has to offer to us and to talk to our community and
3 to inform people. And I'm not sure that the
4 subcommittee meetings are informing us and serving that
5 purpose.

6 MS. PENDERGRASS: Okay. At this point, the
7 motion on the floor is -- the vote, as I understand
8 it --

9 And Mr. Brown, would you like to just reiterate
10 your motion again?

11 MR. BROWN: The motion on the floor is that
12 the -- whenever the -- a subcommittee wants to do
13 something with another group outside of the
14 subcommittee, they should have a vote --

15 MS. PENDERGRASS: Bring it to the --

16 MR. BROWN: Yeah, bring it back to the RAB so
17 we can vote on it --

18 MS. PENDERGRASS: All right.

19 MR. BROWN: -- as a whole.

20 MS. PENDERGRASS: That's been seconded. Now
21 I'm going to call the question. All in favor of that
22 motion, please say "Aye."

23 THE BOARD: Aye.

24 MS. PENDERGRASS: Any opposed?

25 MS. RINES: Opposed.

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1 MS. PENDERGRASS: We have one, two oppositions
2 to that -- three oppositions to that.

3 Do we have any abstentions?

4 We have one abstention. I think the ayes carry
5 that, if I'm not mistaken.

6 And at this point, we have a motion on the
7 floor that has been approved so that that would mean --
8 and we should reflect in -- in our operating procedures
9 from hence forward that any meetings to take place
10 outside of the subcommittee setting with other
11 agencies -- and that, again, is representing the RAB --
12 should be brought to the full RAB first for a vote and
13 approval.

14 MS. RINES: It's an administrative thing.

15 MS. PENDERGRASS: Yes, Miss Rines?

16 MS. RINES: Okay. If we are going to do that;
17 if we are setting up the subcommittees and we need to
18 get in touch with someone from an outside agency to make
19 a meeting of ours and we don't get a confirmation, do we
20 have to vote on it, the RAB, prior to the subcommittee
21 meeting to have that person from the agency come?

22 MS. PENDERGRASS: Again --

23 MS. RINES: Is that -- is that what --?

24 MS. PENDERGRASS: No. That -- The -- the --
25 From the way I understand it -- and let me clarify it,

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1 and if I'm wrong -- from the authors of the motion, the
2 way this is structured is, if you're having a meeting
3 with a group outside of your subcommittee meeting,
4 outside of your subcommittee meeting and you are
5 representing the RAB in that meeting to another group,
6 that's what needs to be brought to the RAB and approved.

7 People and speakers coming to your subcommittee
8 meetings that are posted and announced are not what we
9 are talking about here.

10 MS. LOIZOS: Okay.

11 MS. PENDERGRASS: Yes, ma'am.

12 MS. LOIZOS: This was not ou- -- You're saying
13 outside. This was not going to be outside of the
14 subcommittee meeting. This was my subcommittee meeting.
15 We were just doing it with the -- We were having a
16 subcommittee meeting with the environment from CAC. So
17 I wanted to make sure that they understood our concerns
18 and what we thought was happening with the Shipyard and
19 what, you know, the reuse plans were and all of that.

20 MS. PENDERGRASS: Okay. I mean --

21 MS. LOIZOS: That's what I'm saying. It wasn't
22 outside. So now I'm confused because --

23 MS. RINES: Can we ask the author to reiterate
24 what you're asking?

25 MS. PENDERGRASS: We have, like, three or four

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1 more minutes to spend on that.
2 Mr. Brown, can you clarify quickly?
3 MR. BROWN: What I'm saying is, anytime the two
4 groups -- one, the RAB, and the CAC -- gets together, we
5 would like to be notified.
6 MS. RINES: Okay, but not the full RAB? You
7 mean a subcommittee?
8 MR. BROWN: A subcommittee, exactly.
9 MS. RINES: Okay. So any subcommittee that
10 meets with an outside agency in a subcommittee meeting?
11 MR. BROWN: RAB members should be notified.
12 MS. RINES: Well, sub- --
13 MS. PENDERGRASS: Okay. So that's -- is
14 that --?
15 MR. BROWN: We already voted on it anyway.
16 MS. RINES: I understand that, but I'm trying
17 to make sure we -- we understand what we're saying,
18 because this affects everybody in subcommittee.
19 MR. BROWN: Exactly.
20 MS. RINES: Okay. We'll discuss it later,
21 'cause I would like it on the record I am confused.
22 MS. PIERCE: I am too now.
23 MS. PENDERGRASS: I would suggest that -- I
24 would suggest that once -- since we don't have enough
25 time to really clarify this any further, if we can ask

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1 Mr. Brown to put that in writing --
2 MR. BROWN: Okay.
3 MS. PENDERGRASS: -- and submit it, and then we
4 can vote on it as being part of the operating procedures
5 at that point at the next RAB meeting. Is that fine?
6 So, Mr. Keichline, as an action item, can we
7 add the fact that Mr. Brown will be drafting the
8 language to talk about interaction with subcommittee
9 meeting -- subcommittee members and meetings with
10 outside agencies, and that will be brought to the full
11 RAB next time to be voted on, okay?
12 MR. TOMPKINS: Would it be appropriate for that
13 to be referred to Bylaws Committee, since it's dealing
14 with procedures and RAB?
15 MS. PENDERGRASS: I think as the co-chair, he
16 has an opportunity to override that --
17 MR. TOMPKINS: Okay.
18 MS. PENDERGRASS: -- and put something directly
19 to --
20 MR. TOMPKINS: Okay.
21 MS. PENDERGRASS: So we're going to pass on
22 that and move forward.
23 MR. FORMAN: One other -- one other --
24 Ron, did you quickly --
25 MR. KEICHLINE: Yeah, I did have a question.

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1 Does that amend the bylaws?
2 MS. PENDERGRASS: Not at this point.
3 MR. KEICHLINE: Thank you.
4 MR. FORMAN: One other quick question I just
5 had with regard to there is -- with regard to Lea's
6 meeting on May -- scheduled for May 5th, just so that
7 I'm not confused, what effect does this motion passing
8 have on May 5th?
9 MS. LOIZOS: Don't look at me. I don't know.
10 MR. FORMAN: Okay.
11 MS. PENDERGRASS: Let's take that at the break
12 and clarify that a little bit more before we get --
13 MR. FORMAN: Sure. It's just that now it
14 occurs before the next RAB meeting. So I'll need to
15 know.
16 MS. PENDERGRASS: I understand.
17 Mr. Brown, did you have anything to add -- else
18 to add in part of your report?
19 MR. BROWN: No. That's it for now.
20 MS. PIERCE: You know --
21 MS. PENDERGRASS: Yes, ma'am.
22 MS. PIERCE: Excuse me. I know we want to move
23 the agenda, but we passed something, and it's really
24 clear that -- I mean, I'm really confused now too.
25 And I don't think it's good business for us to

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1 say, "Oh, we'll figure it out in a side meeting, and
2 we'll get back to you" when in fact we all voted on it.
3 I think we need to be really clear on -- on what it is
4 we just passed, and I'm getting more and more confused
5 as this discussion goes on.
6 MS. PENDERGRASS: And thi- -- and this is what
7 I'm suggesting. We all passed a motion that was put on
8 the floor. We all understood that you voted on it.
9 I'm saying as part of the process -- This is
10 what I'm saying to you: If it's still confusing at this
11 point, it will be written as part of the minutes.
12 Mr. Brown has agreed to bring it in clear
13 writing in addition to what's in the minutes to the next
14 meeting for again ratification by this body to make sure
15 it's clear.
16 But we could talk about this for a long period
17 of time tonight and maybe not get to any resolution, and
18 that's not -- that's not on our agenda tonight to do.
19 And Mr. Tompkins, do you have anything to
20 add --
21 MR. TOMPKINS: Yes. For --
22 MS. PENDERGRASS: -- that's different than
23 that?
24 MR. TOMPKINS: Yes. For an interim period for
25 the next period so we're not in -- the chairs are not in

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<p>1 conflict, are you saying that this will be sort of like 2 suspended until it's clarified and that we go on said 3 practice at this time until the next meeting till 4 clarity, Mr. Brown submits the written definitive work? 5 MS. PENDERGRASS: That was exactly what I said. 6 MR. TOMPKINS: Okay. So -- okay. So the 7 chairs know how to do business and not being in 8 conflict? 9 MS. PENDERGRASS: That's right. 10 MR. TOMPKINS: Okay. Thank you. 11 MS. PENDERGRASS: Okay. 12 Mr. Tisdell, do you have anything to add that's 13 different than what's already been said? 14 MR. TISDELL: Yeah. 15 MS. PENDERGRASS: Yes, sir. 16 MR. TISDELL: Mr. Brow- -- Mr. Lynne Brown 17 motion was that the RAB members shouldn't meet with the 18 CAC. That's the -- exclusively the Mayor's committee 19 and which they have never -- they always talk down about 20 the RAB. And, you know, even though they talk down, 21 they never come and see what we are trying to do, you 22 know. 23 And so why go forward and give them something 24 that other RAB members don't even know? 25 MS. PENDERGRASS: Mr. Tisdell, I'm sorry to</p> <p style="text-align: right;">Page 45</p>	<p>1 And a message went out today. You probably 2 know more than I do about the details of this. There 3 was a fire yesterday at an artist's studio located in 4 back of Lola's, the restaurant here on Innes -- 5 MR. BROWN: Right. 6 MR. FORMAN: -- and I just wanted to clarify 7 that. 8 Patricia McFadden, the officer in charge of 9 Caretaker Site Office, sent out a message. Just to let 10 you know, there were already one or two people that were 11 a little bit confused about the source of the fire and 12 in fact some, of course, asking questions about the 13 base. So I want to alert you on that. 14 And finally, I've got big news that you may or 15 may not have opened your e-mail message on this yet. On 16 the Finding of Suitability to Transfer for Parcel A, the 17 POST, we're going to talk about that later on tonight 18 too, but for now you need to know that the comment 19 period has been extended three weeks to -- it was going 20 to end on Monday, April 26th. It is now ending on 21 Monday, May 17th. 22 And the reason for that -- and I will go into 23 greater detail in further e-mails and into a 24 presentation when I know more, a little more has 25 occurred -- is -- has to do with a guard shack in front</p> <p style="text-align: right;">Page 46</p>
<p>1 contradict you, but the CAC was not mentioned in that 2 motion. 3 MR. TISDELL: Yes, it was. Yes, it was. 4 MS. PENDERGRASS: No, it was not. 5 MR. TISDELL: Yes, it was. 6 MS. PENDERGRASS: All right. We're going to 7 move on. We're going to move the agenda forward. 8 Mr. Forman -- Mr. Forman? 9 MR. FORMAN: Yes, ma'am. 10 MS. PENDERGRASS: We're going to end that 11 conversation on that. Can you move forward with your 12 report, please? 13 MR. FORMAN: Yes, I can. Okay. 14 Okay. I've got a couple of things to put out 15 today and a couple of messages that have gone out 16 through the e-mail this -- through e-mail this afternoon 17 to the RAB members and to the regulators. 18 First thing, the Community Involvement Plan has 19 been finalized, and I want to thank Carolyn Hunter -- 20 and I know several you do too -- for the time she put 21 in. 22 (Applause.) 23 MR. FORMAN: Thank you for doing that. 24 So you'll be seeing the involvement plan, the 25 Community Involvement Plan, come to you in the mail.</p> <p style="text-align: right;">Page 46</p>	<p>1 of the main gate of the base here, the guard shack that 2 we all cross at the intersection of Innes and -- 3 MS. ASHER: The one with the --? 4 MR. FORMAN: -- Donahue. 5 MR. TOMPKINS: Yes, that one. 6 MR. FORMAN: And -- 7 MS. ASHER: The one with -- 8 MR. FORMAN: Pardon? 9 MS. ASHER: The one that has a person in it? 10 MR. TOMPKINS: No.. 11 MR. FORMAN: No. 12 MS. ASHER: Okay. 13 MR. FORMAN: No. The one at the intersection 14 of Innes and Donahue there. It's an old building with 15 yellow chipped paint. You can -- you can see it when 16 you come in. In fact, you can see it from Dago Mary's 17 here. 18 That small -- that small building is a guard 19 shack. It's been a guard shack from 1959 to 1974. 20 However, what we have found is that that is listed as 21 Building 322, and Building 322 is the same number that 22 was used for a building that was on Parcel D for some 23 period of time. 24 So to make absolutely sure that the building 25 that we're talking about that was possibly relocated</p> <p style="text-align: right;">Page 48</p>

<p>1 from Parcel D to Parcel A, not that that would normally 2 be a problem, but here because we have a FOST on 3 Parcel A, what the Navy's going to do to remove all 4 doubt is, we're going to go and completely survey that 5 building, do a radiological survey on it. 6 So we will go ahead and do that next week, and 7 then we will report back to you on the findings of that 8 and any possible impacts to the future schedule, to the 9 FOST, to anything having to do with the program of what 10 we might need to do. Okay. 11 MS. PENDERGRASS: Okay. Mr. Mason? 12 MR. MASON: I think they did move that 13 building, because before that -- you know, before that 14 we could all just walk through and go to the Bank of 15 America. 16 MR. FORMAN: Oh, really? 17 MR. MASON: Yeah. Bank of America was set up 18 there, you know, and it was never a guard shack. I 19 think they did bring that -- that building from off 20 base. 21 So whenever we came over and my mom had to go 22 to the bank, obviously we'd just go right to the Bank of 23 America. Mrs. Kennedy's office used to be on top of the 24 hill. 25 MR. FORMAN: Okay. Very good. In fact, Jesse,</p> <p>Page 49</p>	<p>1 MS. OLIVA: Yes. 2 MR. FORMAN: It was used for -- 3 MS. OLIVA: It was the pass office. 4 MR. FORMAN: -- for 20 -- for 15 years, from 5 19-- -- 6 MS. OLIVA: So -- 7 MR. FORMAN: -- -59 to 1974. 8 MS. OLIVA: Well, no. More than that. I mean, 9 I was out here in '81 -- '91, and I would have to go and 10 renew my pass there, as did every -- all the other 11 artists. 12 MR. FORMAN: Okay. They might have been using 13 the building then too for -- or some -- somebody used -- 14 MS. OLIVA: Yeah. 15 MR. FORMAN: -- the building. 16 MS. OLIVA: So -- but that -- that's great 17 news. 18 MR. FORMAN: Okay. Well, again, I -- again, we 19 want to remove all doubt and be absolutely sure. One 20 could argue that we shouldn't -- One could argue that 21 we probably don't need to do this, but I think it's the 22 right thing to do, particularly when you're talking 23 about a parcel that's being FOSTED. 24 MS. OLIVA: Especially when you're talking 25 about people who have -- have gone through there.</p> <p>Page 51</p>
<p>1 let's -- I would like to talk to you more about that. 2 But to be absolutely sure and to remove all 3 doubt -- we want to do the right thing -- we're going 4 to -- we're going to go ahead and treat that building as 5 if it needs to be completely surveyed. 6 MS. JACKSON: It do. 7 MR. FORMAN: And that's what we're going to do. 8 MS. PENDERGRASS: Yes, ma'am. 9 MS. OLIVA: Keith. 10 MR. FORMAN: Sure. 11 MS. OLIVA: Since I've been out here for 12 14 years, before the metal -- where Louise is now where 13 we come in -- 14 MR. FORMAN: Yes. 15 MS. OLIVA: -- artists would have to renew 16 their badges and check in at that building, and people 17 were set up there. 18 Am I -- am I ta- --? Are we talking the same 19 building? 20 MR. CAMPBELL: Yeah. 21 MS. OLIVA: We would have to sit there, and 22 they kept files on us when we had to renew our passes 23 into the base? 24 MR. FORMAN: I believe that was the pass 25 office, yes.</p> <p>Page 50</p>	<p>1 MR. FORMAN: Yes. 2 MS. PENDERGRASS: We have Mr. Manuel and then 3 Mr. Tompkins. 4 MR. MANUEL: I just want to make a brief 5 statement so that the -- the RAB members, as well as the 6 community at-large, you know, would take a look at I 7 think it's a current issue of TIME magazine, and it has 8 the 100 most influential people in America; and in there 9 it has a nice article also about the state of funding 10 for these base closures and et cetera, et cetera. 11 And I'd just recommend that we do everything we 12 can to work together to expedite this process because 13 funding is being cut along the way; and I just wanted 14 to, you know, make sure people, if they can, take a look 15 at that article because it just lets them know that -- 16 they said in the article that it takes, like, 13 or 17 14 years on average for a base to be flipped over for -- 18 for public use. 19 And there's a lot of other information in there 20 that's happening nationwide, and I just think people 21 might be interested in the article and also give them a 22 heads-up on -- you know, this has been a really great 23 meeting, and I like the fact that we are all kind of 24 working together and not a whole lot of first line and 25 whatever. So I would recommend that we work in this</p> <p>Page 52</p>

1 spirit from here on out because --
2 MR. ATTENDEE: What magazine?
3 MR. MANUEL: TIME magazine, 100 most
4 influential people. I've forgotten which month, but
5 it's probably this month or last month.
6 MS. PENDERGRASS: Mr. Tompkins?
7 MR. TOMPKINS: Keith, quick question.
8 MR. FORMAN: Sure.
9 MR. TOMPKINS: When you said -- Are you also
10 when you go through the building you're going to look
11 for -- look for other hazardous materials, lead or
12 asbestos or anything? You just mentioned radiology.
13 MR. FORMAN: Yes.
14 MR. TOMPKINS: Is that the only thing you're
15 going to look for, or is it all hazardous materials?
16 MR. FORMAN: That's the only thing we're going
17 to look for. We know it has -- the paint on there is
18 probably old paint, and the building is going -- is
19 scheduled to be demolished.
20 MR. TOMPKINS: But it -- are you going to check
21 for asbestos? Because when you demolish, you got to do
22 certain procedures for -- for asbestos in buildings.
23 MR. FORMAN: You're right, and I believe
24 whoever demolishes it is going to have to assume that
25 asbestos is there and lead is there, and they are going

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1 to have to follow the proper procedures --
2 MR. BROWN: Right.
3 MR. TOMPKINS: Okay.
4 MR. FORMAN: -- because it is -- it's a
5 building that --
6 MR. TOMPKINS: It's old.
7 MR. FORMAN: -- when you look back in the
8 records, i- --
9 Exactly, it's extremely old. In fact, we
10 believe it dates back to prior to 1939.
11 MR. TOMPKINS: So they used lead-based paint
12 and asbestos --
13 MR. FORMAN: I would a- -- I would go under
14 the assumption that it has it all.
15 MR. TOMPKINS: Would you not for safety you
16 make sure -- don't leave it up to -- 'cause we're
17 dealing with cost --
18 MR. FORMAN: Yes.
19 MR. TOMPKINS: -- since they're doing
20 demolition --
21 MR. FORMAN: Yes.
22 MR. TOMPKINS: -- if you don't have it marked
23 within for them to use that, they may try and
24 circumvent --
25 MR. FORMAN: That's a good point.

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1 MR. TOMPKINS: -- that these for safety so
2 donate -- designate that this is there. Documentation
3 showing that --
4 MR. FORMAN: Yes.
5 MR. TOMPKINS: -- rather than --
6 MR. FORMAN: And --
7 MR. TOMPKINS: -- assumptions.
8 MR. FORMAN: And what we'll do, Ray, is
9 whomever -- it's probably going to come down to -- and I
10 will keep you informed of this. It's either going to
11 come down to the Navy having to demolish it, you know,
12 in the near future or the developer eventually having to
13 develop -- to demolish it. And I'll keep you informed
14 as to who's going to do that.
15 Obviously, if the Navy does, we have very
16 positive control over that in the here and now. But we
17 need to have things -- and we do have notifications and
18 restrictions in place that will force the developer or
19 whomever comes in and has to demolish it.
20 But that's a good point because that building
21 is going to need to be considered to have those
22 substances.
23 MS. PENDERGRASS: Final comment.
24 MS. ASHER: Yes, final comment.
25 So this building needs a different kind of

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1 characterization 'cause it's in Parcel A, and how does
2 that relay to the FOST and the transfer if this building
3 is -- was moved from somewhere else to Parcel A?
4 MR. FORMAN: Good question. What it means in
5 the near future when we're sorting this out, it means
6 that the FOST for Parcel A cannot go forward, and that's
7 why there's the delay.
8 And then we're going to have to find out what
9 is -- if anything, is in this building radiologically.
10 If there's just lead-based paint there, which we assume
11 there is, and asbestos, that is c- -- already covered in
12 the Finding of Suitability to Transfer, those two
13 substances.
14 But what we need to do is just make doubly sure
15 that this building -- We have no reason to believe
16 really that there's anything radiologically in there.
17 And in fact, the building had already in its prior life
18 on Parcel D been cleared.
19 But we want to remove all doubt and not have
20 this lingering as an issue. So we want to go ahead and
21 do a survey to 2004 standards and show you the results
22 of that before we move on with the FOST at all.
23 MS. PENDERGRASS: Very good.
24 At this point, we're going to move this
25 discussion.

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1 Does that conclude your announcements and
2 concerns, Mr. --
3 MR. FORMAN: Yes.
4 MS. PENDERGRASS: -- Forman?
5 All right. Can we move the discussion at this
6 point and the meeting to our subcommittee reports,
7 keeping in mind that we're running long. And if we
8 could start this month with the Membership and Bylaws
9 Committee.
10 MS. RINES: Okay. We didn't have a meeting --
11 MS. PENDERGRASS: Okay.
12 MS. RINES: -- which makes it easy.
13 We're going to schedule the one -- The next
14 meeting is going to be --
15 What was it, Keith? Was it May 5th or 12th,
16 next meeting?
17 MR. TISDELL: 12th.
18 MS. RINES: 12th.
19 MR. TISDELL: It's the second -- second --
20 MS. RINES: The second Wednesday --
21 MR. TISDELL: Second Wednesday.
22 MS. RINES: -- May -- May 12th, 6:30 to 8:00,
23 Anna Waden Library.
24 Also, in the May RAB meeting, we're going to
25 have co-chair nominations. In the June RAB, we're going

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1 to vote for the co-chair. And in the July RAB, the new
2 co-chair will -- will what?
3 MR. ATTENDEE: Take office.
4 MS. RINES: New ch- -- co-chair will be --
5 we'll inaugurate, okay? They'll be there.
6 MS. PENDERGRASS: And, Miss Rines, what other
7 items, other than co-chair, are you going to cover in
8 the Bylaws Committee meeting coming up, then?
9 MS. RINES: At this point now, we're still
10 trying to wait to hear the term sheet report from Don --
11 I don't know where he is, but will it be there by then?
12 MR. CAPOBRES: I hope so, yeah. I'll plan on
13 it.
14 MS. RINES: Okay. All right.
15 MS. PENDERGRASS: So the term sheet --
16 MS. RINES: We're still waiting for that.
17 And we're also going to definitely talk about
18 the language in the bylaws concerning RAB attendance.
19 We can't make any changes into the bylaws until August,
20 but we need to get the language correct.
21 MS. PENDERGRASS: And if it -- if I'm not
22 mistaken and because Ms. Bushnell had brought it up
23 earlier, there's some confusion around what "year" means
24 and all of that. Will that be discussed at the upcoming
25 bylaws meeting?

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1 MS. RINES: Yes.
2 MS. PENDERGRASS: Okay.
3 Miss Bushnell, would you like to add something
4 to that?
5 MS. BUSHNELL: I want to know, people were told
6 that they couldn't -- when they brought their
7 application in, they would be regarded at the bylaws
8 meeting. The bylaws meeting was canceled.
9 MS. PENDERGRASS: All right.
10 MS. BUSHNELL: So what considerations? I still
11 have a problem with your understanding what calendar
12 year means.
13 MS. RINES: I understand that. It will be
14 discussed.
15 MS. BUSHNELL: The dictionary is very clear
16 about it.
17 MS. RINES: I understand that. I understand
18 that.
19 MS. BUSHNELL: I was part of the board that
20 wrote those, and we didn't change what was in the
21 original bylaws.
22 MS. RINES: I understand that.
23 MS. BUSHNELL: So what you have done, as far as
24 I'm concerned, is against the bylaws. You need to
25 write --

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1 MS. PENDERGRASS: Miss Bushnell, you've made
2 that point.
3 MS. BUSHNELL: -- and ask them to come back to
4 RAB.
5 She wasn't here.
6 MS. PENDERGRASS: Okay, but you've made that
7 point.
8 MS. BUSHNELL: Okay.
9 MS. PENDERGRASS: And I think Miss Rines as a
10 chair of that subcommittee understands that point as --
11 and will take that up and --
12 MS. BUSHNELL: But what I -- I think the RAB --
13 the RAB needs to deal with this also.
14 MR. BROWN: Right.
15 MS. BUSHNELL: This is -- this is an issue.
16 These are the RAB bylaws. This is not the sub -- the
17 subcommittee's.
18 MR. TISDELL: RAB says you come --
19 MS. BUSHNELL: These are the RAB bylaws.
20 MS. PENDERGRASS: All right.
21 MS. BUSHNELL: And they are -- they essentially
22 violated what is written.
23 MS. PENDERGRASS: Miss Bushnell --
24 MS. BUSHNELL: And I'm asking --
25 MS. PENDERGRASS: -- I -- I'm going to attempt

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<p>1 to --</p> <p>2 MS. BUSHNELL: -- to be dealt with.</p> <p>3 MS. PENDERGRASS: I'm just going to attempt to</p> <p>4 abbreviate what you just said --</p> <p>5 MS. BUSHNELL: Okay. Thank you.</p> <p>6 MS. PENDERGRASS: -- which is -- which is that</p> <p>7 there's some -- there is some confusion around what had</p> <p>8 happened around people who were let go from the RAB</p> <p>9 because of their attendance, because the interpretation</p> <p>10 of those attendance of the bylaws.</p> <p>11 MS. BUSHNELL: Correct.</p> <p>12 MS. PENDERGRASS: At this point, the Bylaws</p> <p>13 Committee chair has said that they will be talking about</p> <p>14 that and discussing that at the next RAB [sic] meeting,</p> <p>15 which you said should have happened this month. It did</p> <p>16 not happen, but there will -- we can't go back, so we're</p> <p>17 going forward.</p> <p>18 There will be a new meeting. That will be the</p> <p>19 topic on the agenda. At that point, discussion around</p> <p>20 what to do with people who were off because of that</p> <p>21 ruling, or what have you, will be discussed.</p> <p>22 Is that not what I heard?</p> <p>23 MS. RINES: Yes.</p> <p>24 MS. PENDERGRASS: Okay.</p> <p>25 So with that, Miss Bushnell, I understand your</p> <p>Page 61</p>	<p>1 MS. RINES: -- body --</p> <p>2 MS. BUSHNELL: -- means calendar year.</p> <p>3 MS. RINES: I understand what you're saying,</p> <p>4 and I get your point.</p> <p>5 MS. BUSHNELL: Very clear.</p> <p>6 MS. RINES: I'll ask you this: Did you read</p> <p>7 the e-mail that I sent you today?</p> <p>8 MS. BUSHNELL: No.</p> <p>9 MS. RINES: You should have plucked out what</p> <p>10 it --</p> <p>11 MS. PENDERGRASS: Okay. Let -- let us -- let's</p> <p>12 stop the -- let's stop the banter at this point. Miss</p> <p>13 Rines?</p> <p>14 MS. RINES: I understand. I understand. I</p> <p>15 have one more thing.</p> <p>16 MS. PENDERGRASS: Yes, ma'am.</p> <p>17 MS. RINES: I have one other announcement of</p> <p>18 someone else who was removed from the RAB based on</p> <p>19 attendance.</p> <p>20 MR. TISDELL: Who?</p> <p>21 MS. RINES: I didn't say the name. That person</p> <p>22 is Marie Harrison, okay, with four absences from this</p> <p>23 meeting, 12 months forward, so everybody understands</p> <p>24 that; and that is why she was removed.</p> <p>25 Everyone who is removed is welcome to reapply.</p> <p>Page</p>
<p>1 concern about the bylaws and their interpretation. At</p> <p>2 that point, you might want to talk -- or go to that</p> <p>3 committee meeting. The bylaws cannot be changed from</p> <p>4 the last passing until the -- another time.</p> <p>5 MS. BUSHNELL: The bylaws were changed. That's</p> <p>6 my point. The bylaws were changed.</p> <p>7 MS. RINES: Let me -- let me just put forth on</p> <p>8 the record.</p> <p>9 MS. BUSHNELL: Calendar year means calendar</p> <p>10 year.</p> <p>11 MS. RINES: This is --</p> <p>12 MS. BUSHNELL: They changed it from 12 months</p> <p>13 from whatever today is, and that's not a calendar year.</p> <p>14 MS. RINES: -- behind the writing of the</p> <p>15 language for the bylaws concerning attendance was under</p> <p>16 the idea that the calendar year was used based on what</p> <p>17 we used, which was the month of the meeting one year</p> <p>18 forward. We did that with every single person that was</p> <p>19 removed.</p> <p>20 MS. BUSHNELL: Then you are wrong.</p> <p>21 MS. RINES: If we go back and change it now --</p> <p>22 MS. BUSHNELL: Yet you were wrong.</p> <p>23 MS. RINES: -- we have it's retroactive, and</p> <p>24 that is not -- it's not equal to everyone. Every- --</p> <p>25 MS. BUSHNELL: Calendar year --</p> <p>Page 62</p>	<p>1 MS. PENDERGRASS: Okay. Thank you, Miss Rines.</p> <p>2 MS. BUSHNELL: Unless you cancel the meeting.</p> <p>3 MS. PENDERGRASS: Miss Bushnell, you're out of</p> <p>4 order, please.</p> <p>5 MS. BUSHNELL: Sorry. Thank you. I am.</p> <p>6 MR. TISDELL: You could get sick --</p> <p>7 MS. PENDERGRASS: Miss Keichline --</p> <p>8 Mr. Keichline, would you like to add something that</p> <p>9 hasn't been said here?</p> <p>10 MR. KEICHLINE: Yes, I would.</p> <p>11 The RAB membership application has a notation</p> <p>12 saying, "Renewing members are not required to attend the</p> <p>13 Bylaws Subcommittee meeting prior to application</p> <p>14 renewal."</p> <p>15 I would expect in this circumstance where a RAB</p> <p>16 member was removed due to absences and yet reapplied</p> <p>17 would be viewed favorably and would not have to attend</p> <p>18 the Bylaws Subcommittee meeting to be reapply -- to be</p> <p>19 reinstated.</p> <p>20 MS. PENDERGRASS: Very fine. Thank you for</p> <p>21 that point and clarification. I'm sure Miss Rines will</p> <p>22 have an appropriate report at the next meeting and some</p> <p>23 recommendations at that point.</p> <p>24 Thank you, everybody, for their input on that.</p> <p>25 You have nothing else to add from your</p> <p>Page 64</p>

1 subcommittee --?
2 MR. MANUEL: Well, my hand's been up for about
3 five minutes. Can I make a quick --?
4 MS. PENDERGRASS: You have to do what?
5 MR. MANUEL: I said, my hand has been up for
6 quite a while here.
7 MS. PENDERGRASS: I'm sorry, Mr. Manuel. Do
8 you have something to add to that?
9 MR. MANUEL: Very briefly, yes.
10 MS. PENDERGRASS: Yes, sir.
11 MR. MANUEL: Okay. And this is in deference of
12 Miss -- our -- our chair lady here.
13 MS. PENDERGRASS: Who doesn't need any steps.
14 MR. MANUEL: At -- at the meeting where these
15 things were discussed, if I remember correctly, she made
16 every attempt to make phone calls to people and to give
17 them an opportunity to protest or to this or to that;
18 and I'm saying this with one of our people not here
19 because of illness, but we still understand that -- that
20 the four meetings are four meetings.
21 But she did, from what I remember, make every
22 attempt to let people know that they were about to be
23 removed from the -- from the Board, if I remember
24 correctly.
25 MS. PENDERGRASS: Thank you, Mr. Manuel.

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1 Okay. The risk health -- risk review and
2 health, technical review and radiological issues. Is
3 that all combined now?
4 DR. SUMCHAI: No.
5 MS. PENDERGRASS: Okay. Which one are we
6 hearing from first?
7 What about the risk review and health?
8 MS. LOIZOS: Well --
9 MS. PENDERGRASS: Is that -- is that -- that
10 part of the technical review, or is that part of
11 radiological?
12 MS. LOIZOS: Health risk review is Karen. I'm
13 technical review; and Ahimsa, Dr. Sumchai, is --
14 MS. PENDERGRASS: Radiological.
15 MS. LOIZOS: -- radiological.
16 MS. PENDERGRASS: I just want to make sure I
17 got it right.
18 All right, Miss Pierce.
19 MS. PIERCE: We didn't have a meeting last
20 month.
21 MS. PENDERGRASS: You did not have a meeting --
22 MS. PIERCE: We did not.
23 MS. PENDERGRASS: -- last month?
24 Let's just speak up and be proud. Okay.
25 MS. PIERCE: That's all I have to say.

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1 MS. PENDERGRASS: When will your next meeting
2 be?
3 MS. PIERCE: I do not have another meeting
4 scheduled.
5 MS. PENDERGRASS: Thank you for that.
6 MS. PIERCE: I would like to talk to
7 Dr. Sumchai because she had raised an issue that was
8 going to be discussed at the meeting. It was discussed
9 at the Technical Review Committee, but I need to get
10 with her to ensure that her issues are satisfied. And
11 if they haven't been, then I will set the meeting for
12 next month.
13 MS. PENDERGRASS: Thank you.
14 Any questions about that?
15 DR. SUMCHAI: This is an incredibly
16 important --
17 MR. MASON: Can't hear you.
18 MS. JACKSON: Give her the microphone. I want
19 to hear her.
20 DR. SUMCHAI: You know, the -- the mandate of
21 the Risk Assessment Committee is incredibly important.
22 It is a fundamental area that we need to be concerned
23 about, particularly in light of all of the technical
24 data that is surfacing right now with regard to, you
25 know, potential risks to human health with the reuse of

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1 the base.
2 And I do think that we have to strive with some
3 consistency to, you know, at minimum, you know, set
4 meetings and, you know, address some of the -- you know,
5 the pertinent issues.
6 So -- so yeah, we do need to talk. But beyond
7 you and I talking, there needs to be a commitment made
8 by this RAB and by some nucleus of people on this RAB to
9 attend and make sure that this, you know, committee is
10 able to -- to address it -- its very important mandate.
11 MS. PENDERGRASS: Now that this has come to
12 light, this is an issue -- an area that the RAB co-chair
13 should actually address.
14 Mr. Brown, can you -- can we put an action item
15 that you discuss the chairing and the consistency of
16 those meetings --
17 MR. BROWN: Right.
18 MS. PENDERGRASS: -- in content? Okay.
19 So Mr. Brown will have a report on that at the
20 next meeting --
21 MR. BROWN: Right.
22 MS. PENDERGRASS: -- in terms of what's been
23 resolved in that regard. Okay?
24 Did you get that, Ron, in terms of action item?
25 (Mr. Keichline nods.)

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1 MS. PENDERGRASS: Very good.
2 All right.
3 Lea, technical review.
4 MS. LOIZOS: Okay.
5 MS. PENDERGRASS: You did meet?
6 MS. LOIZOS: Yes. In fact, I -- the meeting
7 that Karen has scheduled was a combined meeting with her
8 and I, and so there were two.
9 I had a separate meeting talking about the
10 Parcel A FOST, and then there was a subcommi- -- a joint
11 meeting between Karen's group and our group to respond
12 to Dr. Sumchai's concerns. Karen was ill. Nobody came,
13 but I have done some of the legwork to look at the
14 things you requested.
15 So, okay. Starting with the par- -- Parcel A
16 meeting, I apologize this month. I know we just
17 complained about this, but this is the first time I've
18 done this. I don't have my meeting -- my summary typed
19 up yet.
20 But basically, there were a good group of --
21 there was a good group of people there. We had the
22 Navy. We had the Redevelopment Agency, City. Amy
23 Brownell was there. Michael Work came and then several
24 RAB members. And it was an opportunity for people to
25 express their concerns or ask any questions about the

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1 transfer of Parcel A and some of the remaining issues.
2 There was no -- Nobody really focused on
3 the -- on Parcel A itself. It seemed like the majority
4 of the concerns were the adjacency issues.
5 We had Charles Mazowiecki, the Navy RPM, for
6 the landfill gas removal action. He was there, given
7 the latest information on that and -- which basically
8 said that there hasn't been any landfill gas, any
9 methane, detected in -- on Crisp Avenue even after they
10 put new wells in and that they have never detected
11 methane gas there.
12 They have lots of controls put in place. The
13 Navy feels very confident that landfill gas will not be
14 reaching Parcel A, and so it's not a concern at this
15 point.
16 And I think that was the main thing that the
17 meeting focused on.
18 MS. PENDERGRASS: Did you have any
19 recommendations of the meeting at all?
20 MS. LOIZOS: No. We didn't come up with any --
21 It was more just a discussion. Nobody -- There were no
22 recommendations.
23 And then the response to your conc- --
24 questions, Ahimsa, which I think dealt with I believe
25 that was the Parcel A risk assessment and also the

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1 Parcel E radiological risk assessment, I went back and
2 looked over the risk assessment from Parcel A and the
3 remedial investigation.
4 And you're right that when that was written in
5 '95, there were a lot of concerns about high levels of
6 metals, like manganese and nickel -- for manganese and
7 nickel.
8 And I was trying to figure out why that fell
9 out over time. And what happened is that the PRGs, the
10 preliminary remediation goals, from the EPA actually
11 changed, which happens all the time, but normally they
12 get more stringent. In this case, they have actually
13 gotten to be less stringent. They have different dose
14 assessments, that they found out that higher doses
15 are -- they determined that higher doses are still safe.
16 So I -- if you redo the risk assessment
17 calculations with the new PRGs, those risks are now
18 greatly reduced and below a risk of 1.
19 There were also -- I think in the past, there
20 were concerns with the groundwater, metals in the
21 groundwater. But it's been determined by everybody and
22 everybody agreed -- whether or not you agree, I'm just
23 telling you what was agreed upon -- that -- that
24 groundwater will never be -- no one will ever come into
25 contact with groundwater on Parcel A because it is

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1 bedrock and it's very hard to get access to. So there
2 was -- that concern was wiped out.
3 So that's the story with the risk -- with the
4 Parcel A.
5 With Parcel E -- I'm sorry that I'm going so
6 long, but I have a lot to talk about.
7 With Parcel E, I actually haven't reviewed the
8 HRA extensively myself, but we contracted out to a group
9 who's done it, and the concerns that they raised were
10 basically they felt more so that there hasn't been
11 enough looking at how things have gotten off the
12 Shipyard, like off of Parcel E onto Parcel F and the
13 effects that it's had on the bay and on the sediments in
14 the bay.
15 And they felt that the groundwater pathway
16 should have been looked at. When you look at the risk
17 assessment, they don't look at the exposure to
18 groundwater as a drinking water source, which whether or
19 not Parcel E groundwater will ever be used as drinking
20 water is suspect, but it felt it should have been looked
21 at.
22 And I also had some questions as to why only
23 radium was considered one of the radionuclides -- wa
24 the only radionuclide of concern on Parcel E. It seemed
25 to me that there -- that several other radionuclides

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1 should be -- should have been looked at.
2 So that's my report.
3 MS. PENDERGRASS: All right. Thank you.
4 Mr. Tompkins, I see your hand; but at this
5 point, unless the question is about something that she's
6 recommended, she's just giving her --
7 MR. TOMPKINS: Yes.
8 MS. PENDERGRASS: -- report.
9 Are you --?
10 MR. TOMPKINS: As former chair of the Health
11 Risk Assessment, it has been a standing policy of
12 concern that the Navy change the standards, as we have
13 discussed in Parcel B as well, on manganese exposure and
14 on the previous consultant that was hired --
15 MR. MASON: Take the mike.
16 MR. TOMPKINS: -- prior to --
17 MR. MASON: Take the mike.
18 MS. JACKSON: Take the mike because I can't
19 hear you.
20 MR. TOMPKINS: -- prior to the --
21 It has been in past discussion also on Parcel B
22 about the manganese and the increased susceptibility
23 that African-Americans and people of color with melanin
24 in your skin that the standards on risk assessment is
25 based on a 35-year-old healthy white male. I've given

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1 the lectures repeatedly -- repeated several times here
2 before the RAB.
3 Therefore, what they have done by lowering the
4 standards is increase the health risk to people of
5 color. It is racism, is environmental racism. And that
6 standard, which they have said is okay, is not for my
7 children and any other people of color in this
8 community.
9 MS. JACKSON: All right.
10 MS. PENDERGRASS: Mr. Tompkins?
11 MR. TOMPKINS: And that --
12 MS. PENDERGRASS: Mr. Tompkins?
13 MR. TOMPKINS: -- is the standard report that
14 I've given --
15 MS. PENDERGRASS: Mr. Tompkins --
16 MR. TOMPKINS: -- several lectures.
17 MS. PENDERGRASS: -- you are not adding to the
18 report, because you weren't there at that meeting, were
19 you?
20 So at this point, I'm asking you just as a
21 point of process, sir, not to interject open to her
22 report, unless it was about her report --
23 MR. TOMPKINS: It is about --
24 MS. PENDERGRASS: -- or --
25 MR. TOMPKINS: -- the report.

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1 MS. PENDERGRASS: -- or adding to her report.
2 You're adding new information.
3 MR. TOMPKINS: No, ma'am. This is standard
4 historical -- I've given several lectures here and that
5 on the Parcel A, which was a recommendation saying that
6 it's safe, I'm in total objection and make as a minority
7 report on that that the risk assessment that the Navy
8 has done is totally inadequate and that the standard was
9 based --
10 MS. PENDERGRASS: So --
11 MR. TOMPKINS: -- on white males.
12 MS. PENDERGRASS: -- you're -- you're making
13 that statement.
14 What --? Are we rediscussing that in the
15 subcommittee, or are you making some motion to the --
16 MR. TOMPKINS: I make --
17 MS. PENDERGRASS: -- RAB as a whole RAB?
18 MR. TOMPKINS: -- a recommendation here --
19 It is my understanding of the report that was
20 given that the standard was safe. I am stating for the
21 record that it is not safe based on the data information
22 that has been presented in the record and of the
23 previous consultant --
24 MS. PENDERGRASS: So how --
25 MR. TOMPKINS: -- that the Navy has hired.

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1 MS. PENDERGRASS: -- would you like that -- how
2 would you like that comment handled?
3 Where --?
4 MR. TOMPKINS: As a minority opinion to the
5 addendum --
6 MS. PENDERGRASS: So --
7 MR. TOMPKINS: -- to the report.
8 MS. PENDERGRASS: -- just an opinion to the
9 report.
10 MR. TOMPKINS: Well --
11 MS. PENDERGRASS: No recommendation --
12 MR. TOMPKINS: Recommendation that the
13 standards not be accepted.
14 MS. PENDERGRASS: Miss Asher?
15 MR. TOMPKINS: And recommend that it be brought
16 up at the next Technical Risk Assessment meeting as
17 well --
18 MS. PENDERGRASS: All right.
19 MR. TOMPKINS: -- that the -- that the
20 recommendation be reconsidered and these factors be
21 taken into account.
22 MS. PENDERGRASS: And do you have a date for
23 the next meeting?
24 MS. PIERCE: I will have it before -- after the
25 break.

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1 MR. TOMPKINS: Please, not Wednesday. I have
2 to have a teaching --
3 MS. PENDERGRASS: Miss Asher.
4 MS. ASHER: I -- I just want to speak to this,
5 that we -- we have been discussing this for several
6 years, and a number of us have objected to the Navy
7 changing their standards for the PRGs.
8 And so I just want to go on record in saying
9 that we have been in discussion about this for years.
10 I -- I'm familiar with the issue from working with Arc
11 Ecology and Chris Shirley, who was here before Lea, and
12 I object to it because I think it's a sham.
13 MS. JACKSON: Very good.
14 MS. LOIZOS: And -- and I'm not -- I'm not
15 saying this to contradict anything anybody else has
16 said. I just want to make some clarification because I
17 feel like I'm partially responsible for your comments.
18 And so I just -- I just want you to
19 understand -- well, but the one thing I don't think I
20 made clear maybe was that the levels that they are using
21 are the EPA standards. What I was -- what I
22 recalculated with was the current EPA standards, which
23 you might still have an issue with, but that's -- and
24 that --
25 MS. ASHER: I do.

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1 MS. LOIZOS: And also, I might be wrong in
2 saying this, but I'm pretty certain -- and maybe the
3 regulators or the Navy can help me out -- that the
4 levels on Parcel A are not comparable to levels on
5 Parcel B. The levels on Parcel B, I believe, are
6 potentially above PRGs, whereas the levels on Parcel A
7 are not.
8 DR. SUMCHAI: Levels of what?
9 MS. LOIZOS: Of manganese. I -- I might be
10 wrong about that, though.
11 MR. BROWN: You are.
12 MS. PENDERGRASS: But t- -- but the
13 recommendation that I'm hearing from Mr. Tompkins and
14 Miss Asher is that you've made a report that the level
15 is acceptable in your --
16 MS. ASHER: No.
17 MS. PENDERGRASS: -- report and -- or -- or
18 that there's a level, and then I'm hearing --
19 MS. ASHER: No.
20 MS. PENDERGRASS: -- that there's some problem
21 with the change in those levels.
22 MS. ASHER: No, no, no, no, no.
23 MS. PENDERGRASS: So is there some action?
24 I'm --
25 MS. ASHER: No.

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1 MS. PENDERGRASS: -- trying to get to that.
2 MS. ASHER: I'm going to -- No.
3 MR. MANUEL: I've got my hand up for --
4 MS. ASHER: Basically --
5 MR. MANUEL: -- I don't know how long.
6 MS. ASHER: -- my problem is not -- excuse
7 me -- with Lea's report. The problem is that the PRGs
8 were changed by the Navy concerning nickel and magnesium
9 [sic], and we don't -- we don't agree with that. And I
10 don't care if they are the current EPA standards either.
11 MS. PENDERGRASS: Okay.
12 MS. ASHER: That has nothing to do with, you
13 know, Lea just reporting this information that has been
14 changed, but it's wrong -- it -- it -- it is morally
15 wrong.
16 MS. PENDERGRASS: So how would you like to --
17 MS. ASHER: How would I --?
18 MS. PENDERGRASS: -- handle the -- the RAB to
19 handle that other than your comment going on record?
20 That's what I'm trying to get at.
21 How would you like that handled? More
22 discussion? Is there something that you are asking --?
23 MR. MANUEL: I had my hand up for ten minutes.
24 You've gone back and forth.
25 MS. PENDERGRASS: I'm sorry. I'm trying get

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1 some clarity on that point --
2 MR. MANUEL: Well, I understand, but --
3 MS. PENDERGRASS: -- Mr. Manuel. Just --
4 You're next.
5 MR. MANUEL: But I had my hand up before she
6 even had the mike the last time.
7 MS. PENDERGRASS: I'm sorry, Mr. Manuel. I was
8 trying to get some clarity on what she'd like to happen
9 on that before we move on.
10 MR. MANUEL: But she'd already made her
11 statement. She already said --
12 MR. TOMPKINS: For clarity on -- on the point.
13 MS. PENDERGRASS: I -- I got clarity on the
14 point.
15 I'm asking, what action do you want to
16 happen --
17 MR. TOMPKINS: We would want --
18 MS. PENDERGRASS: -- from your comment?
19 MR. TOMPKINS: Basically, the Navy needs to
20 come in and discuss it, because in the previous meeting
21 at Treasure Island, they stated that they were supposed
22 to have included risk assessment for people of color.
23 They headed up a risk assessment team, made that in the
24 general theme to all the Bay Area RABs.
25 I have not seen any literature. I have not

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1 seen anything within a risk assessment showing increased
2 susceptibility to people with color in the material that
3 I have reviewed at this time. If there is, I'd like to
4 see that forwarded.

5 We were made a promise that it was supposed to
6 be included. In the documents I received, I have not
7 seen that.

8 MS. PENDERGRASS: Mr. Manuel, would you like to
9 add something for the --?

10 MR. MANUEL: Yes, very briefly here.

11 As Lela [sic] said earlier, you know, from what
12 I heard in the report, these were EPA --

13 MR. BROWN: Right.

14 MR. MANUEL: -- deals.

15 So people were -- were misstating to say that
16 the Navy's changed --

17 MR. BROWN: Right.

18 MR. MANUEL: -- something.

19 Far as I understand, the Navy is bound by what
20 Congress tells them to do as far as this whole process
21 here.

22 So if the EPA is who establishes the levels,
23 then we got EPA people sitting here.

24 MR. BROWN: Right.

25 MR. MANUEL: Why are we not asking them --

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1 MR. BROWN: Right.

2 MR. MANUEL: -- is this a safe situation for
3 African-Americans or not, and how did you arrive at
4 lowering the -- the PT-- parts per million, or
5 whatever they are, you know, if -- if this community is
6 considered, which is -- is, you know, African-American
7 everybody else kind of community?

8 I -- I think we should be asking the -- the EPA
9 instead of beating up the -- the Navy all the time, you
10 know. I think that's what we should be doing if we want
11 to get to the bottom of it. Instead of a
12 back-and-forth, back-and-forth --

13 MS. PENDERGRASS: All right. Mr. --

14 MR. MANUEL: -- let's ask the people who are in
15 control of what the Navy does.

16 MS. PENDERGRASS: Just a minute.

17 You've had your hand up, sir?

18 MR. WORK: Yes. The question about the PRG --

19 MR. MASON: Give him a mike.

20 MR. WORK: The PRG established by EPA, if
21 that's the question, I don't know -- I'm not a
22 toxicologist. I don't know which studies went into
23 establishing the PRG for manganese that EPA established,
24 but I can find out.

25 MS. PENDERGRASS: Okay.

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1 MR. WORK: Okay.

2 MS. PIERCE: So the -- the resolution to this
3 is that after the break, I will have a date for the next
4 risk review meeting.

5 MS. PENDERGRASS: Yes.

6 MS. PIERCE: I will be coordinating to make
7 sure that we have a date where EPA and the Navy and RAB
8 members can all be present. That's why I'm not throwing
9 out a date off of just my datebook.

10 MR. MASON: What about the contractors you had?

11 MS. PENDERGRASS: Okay.

12 MR. MANUEL: Okay.

13 MR. PIERCE: But we'll make sure -- we'll try
14 to get a date where we're sure that all of the people
15 who need to be there can be there for that discussion.

16 MR. MANUEL: Well, in conclusion to what I was
17 basically saying, I make a motion that we -- whether
18 it's at a subcommittee meeting or it's at the R-- a
19 next general RAB meeting, that the EPA brings something
20 to us that establishes, once and for all, this issue,
21 and that's it, because anything else is kind of
22 superfluous, far as I'm concerned.

23 I mean, he's already said he'll look into it.

24 So why don't we just --?

25 I make a motion that however you guys want it,

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1 whether it's the next meeting or at a subcommittee
2 meeting, that we have this data available, and we should
3 ask him what -- how much time he needs to pro--
4 provide this and just go on from there. Do I get a
5 second here?

6 MR. BROWN: Yeah, that's good.

7 MS. PENDERGRASS: Do you have a second to that?

8 MR. BROWN: I'll second it.

9 MS. RAB MEMBER: Second.

10 MS. PENDERGRASS: Okay. Any discussion?

11 The motion again is to have the EPA respond to
12 the -- the question about why the standards were changed
13 at the subcommittee meeting and then ultimately report
14 it back to the full RAB. That's the motion, as I
15 understand it.

16 MR. MANUEL: Basically it is.

17 MS. PENDERGRASS: Okay. Is there any other
18 discussion on that?

19 MR. MANUEL: I think he has something he wants
20 to say here.

21 MR. WORK: No. I was going -- I was going to
22 say something just because -- actually, the way you just
23 stated it is exactly what I was going to suggest.

24 MS. PENDERGRASS: Okay. Very fine.

25 At this point, then, I'll call the question.

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<p>1 How many -- are in favor, say "Aye." 2 THE BOARD: Aye. 3 MS. PENDERGRASS: Anybody opposed? Any ab- -- 4 any abstentions to that vote? 5 (No verbal response elicited.) 6 MS. PENDERGRASS: All right, then. So the 7 motion carries; and at this point, the resolution to 8 that will be an action item on the next agenda, but it 9 will also be followed up in the meantime by Mr. Work and 10 to -- through the Risk Review and Health Committee 11 chair, Miss Pierce. All right? All right. Very fine. 12 Economic Development. Mr. Campbell, are you 13 making that report tonight? 14 MR. CAMPBELL: Well, Mark Gelsinger will be 15 doing much of it. The -- We have some positive things 16 to talk about. Since 1978 approximately \$18 million was 17 spent locally, and Mark's going to be talking about some 18 new numbers and the number of employees that took place 19 and what also took place at the economic workshop. 20 Mark? 21 MS. PENDERGRASS: Okay. Mark? Can I ask you 22 to hold your comments for just about ten minutes so that 23 we could give our reporter a break? 24 MR. GELSINGER: Absolutely. 25 MS. PENDERGRASS: Thank you so much.</p> <p>Page 85</p>	<p>1 a truckers training session. We actually had a workshop 2 yesterday with all the Navy prime contractors, and we 3 held a training session for the local Bayview truckers 4 today, and it was pretty well-received. 5 What we're trying to do is trying to 6 standardize the requirements package; trying to 7 standardize invoicing and the proposal process. We will 8 follow it up next month. 9 They've also requested us to do some HAZWOPER 10 training, or hazardous training; and we will do the 11 8-hour refresher training probably two times next month. 12 MS. PENDERGRASS: Very good. 13 MR. GELSINGER: Okay. The numbers. 14 MR. MASON: You need to get your information on 15 that. 16 MR. GELSINGER: In 2003 we did \$38 million on 17 the base. We only subcontracted \$700,000 locally. 18 In fiscal year 2004 from October through 19 present, the Economic Subcommittee took this on under 20 Maurice's chair, and year to date we have spent 21 \$28 million on the base. Two point five million of that 22 has gone to the local community in subcontracts. 23 Another 144,000 has gone to local businesses for 24 consumable-type products, like fuel, food, supplies -- 25 MS. PENDERGRASS: Okay.</p> <p>Page 86</p>
<p>1 Take ten, everybody. 2 (Recess 7:12 p.m. to 7:22 p.m.) 3 MS. PENDERGRASS: All right. Mr. Gassinger -- 4 MR. ATTENDEE: Gelsinger. 5 MS. PENDERGRASS: Gelsinger. Yes, sir. Thank 6 you. 7 Please take your seats, and we can move through 8 this a little more quickly and a little more orderly 9 tonight. 10 Yes, sir. Continue. 11 MR. GELSINGER: Good evening. My name's Mark 12 Gelsinger. We held a economic workshop at the Earl 13 P. Mills Auditorium on the 27th of March. We had 14 122 participants from the community and 57 vendors. 15 We had presentations -- or participation by the 16 Small Business Administration and the Federal Technology 17 Center and all of the Navy prime contractors working on 18 Hunters Point, and the goal was to talk about 19 subcontracting opportunities. 20 We also recognized YCD for their outstanding 21 work in the -- on the base. 22 MS. PENDERGRASS: They all -- 23 MR. GELSINGER: We -- 24 MS. PENDERGRASS: -- disappeared. 25 MR. GELSINGER: We also held -- Today we held</p> <p>Page 86</p>	<p>1 MR. GELSINGER: -- with the expected through 2 the remainder of the year 2.1 million and into early 3 next year and another 335,000 to the -- in consumables 4 in the local area. 5 Another encouraging thing is, last year we had 6 39 employees that were hired locally for various lengths 7 of time. Thus far this year we had 28 with an 8 additional 69 expected through the end of this year and 9 into next year. 10 MS. PENDERGRASS: Very good. 11 MR. GELSINGER: And that's it. That's all I 12 have for the report. 13 MS. PENDERGRASS: Thank you, sir. 14 Mr. Campbell? 15 MR. BROWN: That's good. 16 (Applause.) 17 MR. BROWN: That's good. That's more than what 18 the City is doing. 19 MR. CAMPBELL: One thing I'd like to say is 20 thank you to Neil Hart. Is he still here? 21 MS. PENDERGRASS: Can you speak up, sir? 22 MR. CAMPBELL: Well, I'd like to say thank you 23 to Neil Hart for coordinating the economic event. 24 MS. PENDERGRASS: Okay. 25 MR. CAMPBELL: The economic event was taken</p> <p>Page 88</p>

1 place while the famous basketball game was going on.
2 MR. BROWN: Right.
3 MS. PENDERGRASS: All right. Very good. All
4 right. Very good.
5 All right. In the -- in the effort -- in
6 the --
7 MR. MASON: The economic.
8 MR. HANIF: Specifically the records for the --
9 the haz- -- HAZMAT refreshers, I would like -- actually
10 like someone to contact me and talk to me because I am a
11 qualified HAZMAT instructor, and we do have some
12 potential options to do some training through YCD.
13 So --
14 MR. CAMPBELL: Sure. We're -- we're going to
15 be scheduling that on -- sometime towards the latter
16 part of May. We'll be in contact with you first on that
17 specifically.
18 MR. HANIF: Okay.
19 MR. CAMPBELL: Thank you.
20 MS. PENDERGRASS: Very good. I'm going to
21 close the discussion at this point, because we're really
22 running long and since it's comments about -- this is
23 really not a motion or anything or recommendations at
24 this point. So we need to move on, or otherwise we're
25 going to run late -- run late.

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1 Again, I just remind everybody that if you have
2 as a RAB member an issue that you'd like to talk about
3 more in depth with the RAB, that you contact the
4 co-chair and put that on the agenda.
5 Tonight we're going to move into Dr. Sumchai's
6 presentation or a discussion about the Parcel A ROD and
7 related documents.
8 (Applause.)
9 DR. SUMCHAI: Is this on? Okay.
10 My name is Ahimsa, Dr. Ahimsa Sumchai. I chair
11 the Radiological Subcommittee at the Hunters Point
12 Shipyard RAB.
13 Some of you may not know that I completed a --
14 a two-year postdoctoral research fellowship at Stanford
15 University in 1988 to 1986 [sic] in the Department of
16 Surgery, and in 1997 I was head of the Persian Gulf
17 Agent Orange and Ionizing Radiation Registry for the
18 Palo Alto Veterans Administration. The Veterans
19 Administration Hospitals has a largest toxic registry in
20 the country.
21 I'm going to be talking with you about a very
22 controversial document, the Parcel A ROD, and its
23 supporting documents; and I wanted to specifically focus
24 on some of the health and legal aspects of the proposed
25 transfer of Parcel A.

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1 And let's go to the first slide. This is a
2 slide that is taken from the declaration in the Parcel A
3 Record of Decision, page 1 description of the selected
4 remedy, no action. The US Department of the Navy and
5 EPA Region 9 have selected no action for the following
6 sites at Parcel A at Hunters Point Annex. IR-59 is
7 groundwater underlying Parcel A, IR-59 Jerrold Avenue
8 investigation, the soil at a residential involving
9 Jerrold Avenue within Parcel A.
10 Before I go further, let me tell you a little
11 bit about Parcel A.
12 Parcel A was established in 1992 as a result of
13 the Federal Facilities Agreement that the Navy and the
14 regulators entered into after the base was closed and
15 after Hunters Point Shipyard, following investigations
16 by the Navy, was determined to have a number of
17 hazardous substances and was placed on the National
18 Priorities List as a federal Superfund site, Mr. Forman,
19 pursuant to CERCLA as amended by SARA. This is directly
20 from the opening of the Parcel A remedial investigation
21 report, which I brought to you today in a 10-foot U-Haul
22 truck.
23 The -- Parcel A is very, very interesting in
24 that it has undergone a number of revisions of its
25 boundaries. Parcel A was initially 90 acres in the SI

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1 report in 1994. By 1995 in the RI report, it was down
2 to 88 acres. There were acres that were taken away from
3 it.
4 And then by August of last year, Parcel A was
5 down -- well, let me see. Correct. Okay. By August of
6 last year, it was still 88 acres, but what happened was
7 that there were subparcels that were added to the
8 boundaries. And as you recall, that generated some
9 controversy. And in the current FOST, Parcel A has now
10 been whittled down to 75 acres, and essentially that has
11 been in an effort to remove contaminants from outside
12 its boundaries.
13 So essentially what we are finding is that the
14 more we study Parcel A, the more we find it is
15 contaminated and the smaller it gets. So if you follow
16 infinite logic, in a hundred years, there will be no
17 Parcel A, okay.
18 So let's look at the next slide.
19 There are some very important legal issues with
20 regard to the Parcel A boundaries. It is required under
21 the CERCLA Act and under the National Environmental
22 Policy Act that anytime there is a revision of the
23 boundaries of a parcel that has been cleared under the
24 CERCLA Act, that, you know, you have to ascertain that
25 certainly any additions to that boundary or any

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1 adjacency issues that are introduced by revisions of
2 that boundary are in keeping with human health and the
3 environment. This is the requisite for a NEPA warranty
4 for -- that protects human health.

5 Parcel A is also very controversial.

6 Mr. Forman and I had a brawl yesterday in the meeting
7 about the fact that the Parcel A FOST documents that of
8 the 15 subparcels in Parcel A, 7 of them have an ECP
9 overall category of 4 to 7.

10 Now, to transfer Parcel A, the ECPA -- the ECP
11 categories, you said, have to be under 4. Now, what
12 happened is, like this is a -- you know, one of the
13 areas here [indicating], there is a -- sub-Parcel A is
14 S46A and it's also S46E. This is a subparcel. The
15 overall category of the subparcel is 7, which means it's
16 terrible, and you don't want anyone living on a
17 subparcel that has this ECP category.

18 But they have assigned a ECP category of 1 to
19 the A portion and 7 to the E portion. The overall ECP
20 category is 7. So it's still bad.

21 So in my mind, the thing is, I -- you know,
22 let's -- I don't want to make this a stand-up comedy
23 act, but it's going to be unavoidable.

24 But what magically happened at this line that
25 made Parcel E segment dirty and the Parcel A segment

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1 clean is just an imaginary line, though. But something
2 happened here.

3 But in all seriousness, the reality is that
4 there are areas of this base that never went --
5 underwent the CERCLA process of the first steps of
6 preliminary assessment and site investigation. And
7 despite that fact, we have ECP categorizations for areas
8 that essentially were never even looked at in peekaboo
9 fashion, much less area -- you know, much less areas
10 that underwent a site investigation.

11 And none of the areas, of course, in the five
12 geographic land parcels on parc -- on the Hunters Point
13 Shipyard have gone through the full nine steps of the
14 CERCLA process.

15 Parcel A, the Navy did a preliminary assessment
16 and a site investigation on seven sites. And then of
17 the seven sites, they took to the third stage, the
18 remedial investigation stage, two sites. And we're
19 going to talk about the results that they found when
20 they looked at those sites.

21 Now, before that, I want to introduce an even
22 more complicated and controversial issue. That is the
23 issue of what is in the dirt on Parcel A at the Hunters
24 Point Shipyard, because we have heard a lot about
25 ambient levels of chemicals of potential concern.

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1 And I have to say to you, Lea, that your
2 interpretation of human health risk assessment was
3 wrong, and I have to encourage you as a scientist to
4 always be independent in your thinking and never just
5 incorporate the opinions and viewpoints of people around
6 you even if they are your superiors.

7 The human health risk assessment report for
8 Parcel A was not minimizing its impact because the PRGs
9 were lowered. It was because chemicals of potential
10 concern, like arsenic and lead and cobalt and chromium
11 and nickel, that drove a high cancer risk and adverse
12 health risks that are not related to cancer were thrown
13 out because they were designated as having a Hunters
14 Point ambient level.

15 And those Hunters Point ambient levels were
16 based on statistical analyses that incorporated an
17 incredible amount of uncertainty.

18 One of the biggest uncertainties about
19 calculation of HPALs for nickel and chromium and cobalt
20 was the assumption that they were present at ambient
21 levels. Nickel is plentiful in the earth's crust; but
22 according to the medical establishment, the highest
23 source of nickel in the environment comes from the
24 combustion of fuel oil.

25 So when we look at nickel at Hunters Point

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1 Shipyard, we should be saying, well, maybe it's ambient;
2 but you remember that 610,000 gallons of fuel that were
3 burned in Operation Crossroads? Maybe some of the
4 nickel came from there, you know. Duh.

5 So those are some of the issues that I wanted
6 to touch upon with regard to the subparcels.

7 With regard to the dirt in Parcel A, Parcel A
8 is comprised of a lot of different kinds of materials.
9 There is the serpentinite component of Franciscan
10 bedrock. You all have heard that. In fact, they will
11 give you the impression that that is the only form of
12 Franciscan bedrock that is underlying Parcel A. That is
13 not the case. There is chert, there is sandstone, and
14 there is greenstone.

15 Much of IR-59 JAI where the principal RI
16 investigation is not Franciscan complex bedrock. It is
17 slope and ravine deposits.

18 A lot of this is fill, and I mention that for a
19 couple of reasons because it brings to mind the issue of
20 whether or not these are truly ambient levels; but also
21 more importantly, the Parcel A RI report identifies that
22 the disturbed soil and fill is derived from underlying
23 undisturbed native topsoil and contains asphalt
24 fragments, nails, lumber, and glass.

25 These soils are a result of fuel placement and

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1 disturbances related to the construction of building
2 foundations, utility trenching, or minor site grading.
3 So if I lost some of you, let me just bring you
4 back to the point that in calculating Hunters Point
5 ambient levels, the biggest source of the uncertainty is
6 presuming that these chemicals are ambient, and there's
7 no reason why anyone in this room who has any scientific
8 foundation and training would accept that they are
9 ambient, especially chemicals that are found above their
10 HPALS.

11 Nickel and chromium, which drove hazard
12 indice- -- indices above 1, were there above their HPAL.
13 If they're above their ambient level, obviously they are
14 not ambient. Okay. So let me get off of the moment and
15 let's move --

16 MS. PENDERGRASS: You have about four more
17 minutes.

18 DR. SUMCHAI: Is that right? Okay. Well, let
19 me -- okay. Let's move the next slide forward, then.

20 Okay. One of the major points that I'm going
21 to make to you is that the Parcel A's not suitable for
22 transfer. So let me just get to the gist of my
23 presentation and tell you why Parcel A isn't suitable
24 for transfer, because there are seven subparcels within
25 Parcel A that had a ECP classification of 4 to 7. And

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1 the Navy can explain to us why Parcel A is okay despite
2 that.

3 The second reason, in the Parcel A SI
4 investigation, the storm drain system and the sanitary
5 sewer system was investigated as part of SI 50, and
6 there was no analysis done for radionuclides. And now
7 the HRA has established that the storm systems on all
8 the base are an impacted area. All of them have to
9 undergo a evaluation.

10 So the Parcel A sanitary sewer system and storm
11 drain systems in keeping with the recommendations of
12 RASO in the HRA have to be looked at, as does the entire
13 base's system, for, you know, potential radiological
14 impaction.

15 Second thing at IR-59 JAI, there were two sites
16 in which black beauty sandblast grit were discovered.
17 Radiological analyses were not done on either of those
18 sites.

19 And I also went back over the IR report. It
20 was pointed out to me erroneously that black beauty
21 sandblast grit has not been detected on the base at
22 levels above background. That is not the case. The HRA
23 identifies that at IR-14 sandblast grit was detected in
24 which radium and its daughters exceeded their background
25 levels.

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1 So because of the presence of sandblast grit at
2 IR-59 JAI that did not undergo radiological eva- --
3 evaluation, IR-59 JAI is essentially a MARSSIM-Class 1
4 radiologically impacted area unless you can prove to me
5 that it is not. And I suggest as an action item that
6 the Navy address this issue at the next meeting.

7 The other issues that I want to bring to you
8 and --

9 Can you give me the next slide?

10 The CERCLA process, I talked about the fact
11 that the Navy got this far with Parcel A [indicating]
12 and has not taken any other parcel, you know, any
13 further. And even as part of the remedial investigation
14 report, there were chemicals of potential concern that
15 were found in exceedingly high levels, and the health
16 risks that were calculated again were calculated by
17 excluding many of those chemicals on the premise that
18 they were present in the ambient levels.

19 The next slide.

20 These are some of the chemicals for which
21 ambient levels were calculated. Arsenic is very common
22 in the environment. Arsenic -- you know, it kills
23 people. It's terrible stuff. You don't want your kids
24 rolling around in the soil ingesting arsenic. But
25 arsenic is also found in pesticides, and pesticides are

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1 diffuse. Pesticides are ambient at the Hunters Point
2 Shipyard.

3 Nickel is one of the most toxic substances used
4 in industry. Mercury, the regulators did not agree on
5 HPALS for mercury. The regulators did not agree on
6 HPALS for selen- -- selenium and for antimony.

7 The next slide.

8 Again, the regulators did not agree on many of
9 these HPALS; and if the regulators didn't agree, we
10 really should not have signed off on the Record of
11 Decision.

12 The next slide.

13 The residential scenario for IR-59 JAI, I want
14 to go into the calculation just as they go into
15 calculating an HI. Essentially it should be less than
16 1. On IR-59 JAI, it's 12. There are other SI sites
17 where it was as high as 20, or it was as high as 100.

18 The carcinogenic risk, what this -- what the
19 carcinogenic means is that -- risk means is that if you
20 take a million people, the excess cancer risk, if it's
21 above 1 in a million, that's significant to -- for the
22 EPA.

23 But what the calculation is at this site, it
24 means that for 4,000 people, there were two extra cases
25 of cancer on IR-59 JAI. That's extremely significant.

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1 It is driven by the components of diesel. Diesel is one
2 of the key components that is driving the carcinogenic
3 risk.
4 Okay, and the next slide.
5 Groundwater. The importance of the groundwater
6 investigation is that the groundwater investigation grew
7 out of the investigation of the storm drains and the
8 sanitary sewer system. And if you presume that they
9 need to be looked at as part of the basewide impacted
10 action that's recommended in the current HRA, then the
11 whole groundwater analysis for -- of Parcel A also has
12 to be presumed to be potentially a site of radiological
13 impaction. It certainly was not analyzed for.
14 And the next slide.
15 This is the slide that shows that nickel is
16 present above its PRG and its detected range and above
17 its HPAL. Same thing for chromium. This is PRG. This
18 is how much was detected. This is HPAL. This is what
19 really knocks me over. This is in post-excavation soil.
20 This is after they took the soil out.
21 The next slide.
22 I won't talk about the fires. I won't talk
23 about the fact that the Hunters Point Fire District and
24 the San Francisco Fire District has documented fires for
25 the last four years in the regions of Parcel A where we
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1 I want to build houses this summer. But I think it's
2 something for you to think about.
3 I think the regulators need to look at this as
4 imminent risk. I mean that the -- I think the FOST
5 needs to be expanded to look at fire hazards at Hunters
6 Point Shipyard as the most potent imminent risk and
7 threat to human lives and property in the environment.
8 Next slide.
9 You know, a science fiction writer said it,
10 "The highest function of science is the understanding of
11 consequences." It's not how smart I am, you know, that
12 I had read the IR report. It's not how smart Mr. Forman
13 is that he is the BRAC Environmental Coordinator. It's
14 how smart you are in understanding the consequences of
15 what the decisions you make are.
16 And I want all of you to think about in your
17 hearts whether or not you believe that the Parcel A
18 portion of the Shipyard at this point is truly safe for
19 the residential development. There certainly is nothing
20 in the Navy documents that I have looked at that support
21 that.
22 And I think that that is the final slide.
23 Okay. All right. I know you got it for me. I'm ready.
24 MS. PENDERGRASS: But, Doctor, Dr. Sumchai, we
25 do have a -- we're running long tonight because we don't
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1 properly, you know, give time to what we're trying to
2 do. I mean, we gave you -- what, ten minutes for your
3 presentation here, and we have talked too long earlier
4 and all of that.
5 What I'd like to do is take questions because
6 you prepared this tonight, but then we're not going to
7 get to the Navy conveyance agreement presentation.
8 So what's the pleasure of this RAB in terms of
9 before we go forward with the questions?
10 MR. TOMPKINS: We can make a motion for
11 extension of the meeting so we can deal with the Navy's
12 conveyance.
13 MS. PENDERGRASS: Mr. Keichline --
14 MR. TOMPKINS: Chair -- chair to find that?
15 MR. ATTENDEE: It's my understanding.
16 MR. MANUEL: I'd like --
17 MS. PENDERGRASS: Do we have a second on that
18 motion first?
19 MR. TOMPKINS: Extension of the meeting to
20 cover the conveyance.
21 MR. MANUEL: I basically will -- will second
22 that. I think -- I think we owe Dr. Sumchai our respect
23 for her putting together such a thorough --
24 MS. ATTENDEE: All right.
25 MR. MANUEL: -- presentation, and I think we
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1 I should deal with it while it's fresh in our minds. So I
2 do second that motion.
3 MS. PENDERGRASS: All right. So then barring
4 any other discussion on that, shall we call the
5 question? The question is, shall we continue the
6 meeting at least another half an hour to cover the
7 additional material that's on the agenda? All in favor
8 of that motion, say "Aye."
9 THE BOARD: Aye.
10 MS. PENDERGRASS: Can I see a show of hands on
11 that? Just want to make sure. And --
12 Okay. Those opposed to that?
13 (Ms. Pierce raises her hand.)
14 MS. PENDERGRASS: Okay. We have one.
15 And an -- abstentions?
16 Okay. And then I think just in all fairness
17 for the regulators, do you all agree with that tonight,
18 since you have to stay as well, or is that -- is that
19 going to work for you?
20 MR. REGULATOR: Yeah.
21 MS. PENDERGRASS: All right. Very fine. Looks
22 like we have some consensus here. So we're going to go
23 forward with -- go forward with the questions for
24 Dr. Sumchai.
25 What I would also like to just make sure we are
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1 clear on is that we're having a discussion here; but if
2 there's anything that you want -- action item, you need
3 to say that to be an action item or make some
4 recommendations for an action so that we're not just
5 going around in circles and we're just talking about it
6 at course.

7 So I see -- I see Mr. Manuel. I see Chris. I
8 see this hand, and then we'll go on. Okay.

9 MR. TOMPKINS: Sure.

10 MS. PENDERGRASS: Go ahead, Chris.

11 MR. HANIF: No. I was just trying to direct
12 your attention --

13 MR. MANUEL: You see, she don't see me most of
14 the time.

15 MS. PENDERGRASS: Well, wear a white hat next
16 time.

17 MR. MANUEL: I'll have to start singing "We
18 Shall Overcome" here.

19 Anyway --

20 MR. TOMPKINS: You all going to kill me.

21 MR. MANUEL: Firstly, I'd like to thank the
22 good doctor, that's a marvelous presentation.

23 MS. ATTENDEE: Yeah.

24 (Applause.)

25 MR. MANUEL: Having said that, I have -- it's

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1 like I'll be real brief about this, but there's, like,
2 multi part of one question here.

3 First off --

4 MS. PENDERGRASS: Mr. Manuel, I just want to --
5 we're going to take one --

6 MR. MANUEL: I'll be real brief.

7 MS. PENDERGRASS: -- question, one comment and
8 one question for us -- everyone.

9 MR. MANUEL: Okay.

10 MS. PENDERGRASS: One.

11 MR. MANUEL: All right, all right, all right,
12 dear. All right.

13 Well, then, let me try to -- well, I can't
14 bifurcate this. Okay. So anyway, I'll go to the main
15 point. I'll go to the main point here.

16 I think the thing that's most serious that the
17 good doctor mentioned up there was that there was a
18 potential or -- she didn't say, "potential." She said
19 that -- out and out that certain areas weren't being
20 assessed as a part of the process of -- of transfer.
21 And I happen to know quite a bit about CERCLA law, et
22 cetera.

23 And I -- my question, I guess, basically, is --
24 to the regulators is, is there -- well, and this goes to
25 the EPA as well as the Navy and whoever else is

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1 involved:

2 Is there a -- is there a mechanism whereas you
3 are circumventing the -- the investigation of every
4 square -- whatever the normal process is of Parcel A as
5 well as any other parcel, are you willing to transfer
6 any parcel that is at issue here without a full
7 assessment? And I guess that's the bottom line what my
8 question is.

9 MR. BROWN: Yes.

10 MS. PENDERGRASS: And who are you directing
11 that question to?

12 MR. MANUEL: Whoever wants it. I mean, the --
13 basically, the bottom line is --

14 MS. PENDERGRASS: Can you direct that question
15 to a particular individual?

16 MR. MANUEL: Well -- well, I guess the reason
17 why I really don't want to do that is because whoever --
18 I guess Navy, I mean, because ultimately the Navy has
19 the last word on this. But there are other agencies
20 here that direct the Navy. So it's hard to direct it --
21 direct it to somebody.

22 The main point is -- is that the process -- I'm
23 just saying, there's a process here --

24 MS. PENDERGRASS: You've got the question. I'm
25 asking you, who are you directing the question to?

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1 THE REPORTER: Only one person at a time,
2 please. I can't get anything if we have more than one
3 person speaking.

4 MR. ATTENDEE: All right.

5 MS. PENDERGRASS: Can you direct the question?

6 MR. MANUEL: You know, I think these people
7 have a lot of integrity. Some say -- Somebody grab
8 this question and answer it for us and in -- thorough
9 way because I really don't know. Just the EPA? I just
10 don't want to go to the Navy. I mean, I don't know who
11 to direct it to.

12 MS. JACKSON: It is the Navy.

13 MR. WORK: Just make a quick statement. We
14 have been taking another look at the remedial decision
15 from Parcel A. It's several years old now. It's, I
16 think, late '95. So far -- and we're looking at the
17 data again. So far we haven't identified anything that
18 would cause us to reopen that decision.

19 In other words, right now -- and -- and, you
20 know, our minds remain open for new information at any
21 time. But so far we haven't seen anything that would
22 cause us to want to reopen a CERCLA decision for
23 Parcel A.

24 DR. SUMCHAI: Okay. Well, again, I --

25 MR. MANUEL: My question wasn't -- wasn't

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<p>1 answered. Is -- is there going to be a full assessment 2 of everything? That's what my question basically was. 3 Is there going to be a full assessment to 4 establish what the issues are environmentally to not 5 only the community at-large, but anybody else human, 6 whether they happen to be, as Mr. Tompkins has 7 suggested, African-American or anybody else, is -- is -- 8 is there going to be a full assessment and -- and -- and 9 of --</p> <p>10 MS. PENDERGRASS: Okay. 11 MR. MANUEL: -- every -- 12 MS. PENDERGRASS: Mr. Manuel -- 13 MR. MANUEL: -- race? 14 MS. PENDERGRASS: -- we have your question. 15 MR. MANUEL: Well, I mean, apparently not. 16 MS. PENDERGRASS: Can you answer that or -- 17 MR. FORMAN: Yes. 18 MS. PENDERGRASS: -- respond to that? 19 MR. FORMAN: Sure. 20 The assessment is in two key documents: the 21 Record of Decision and then the Finding of Suitability 22 to Transfer. And that's why I encourage people to look 23 into and to join up with people who are looking into the 24 FOST. If you're not used to reading environmental 25 documents, get with Lea Loizos or Dr. Sumchai. Somebody</p> <p>Page 109</p>	<p>1 MS. PENDERGRASS: I -- 2 DR. SUMCHAI: -- to try to -- 3 MS. PENDERGRASS: I hear -- We -- Both sides 4 have stated their -- stated their opinions on this at 5 this point, and I don't hear any recommendations or any 6 actions that -- 7 DR. SUMCHAI: I -- I made recommendations. I 8 gave you -- 9 MS. PENDERGRASS: Can you sum up --? 10 DR. SUMCHAI: -- five. 11 Yes. I want you guys to clarify the overall 12 ECP classifications of 7 of the 15 Parcel A subparcels 13 that are designated 4 through 7 in the FOST -- you don't 14 have to do it tonight -- the Parcel A SI 50 storm drain 15 sanitary sewer systems. Because of the decision made in 16 the draft final HRA, they need to undergo a scoping and 17 characterization -- characterization -- characterization 18 survey as well as the storm drain lines around the 19 basewide impacted areas, everything on the base. 20 The black beauty sandblast grit discovered at 21 IR-59 JAI at two sites was not analyzed for radium 226 22 or plutonium fission products. It is therefore a 23 MARSSIM Class 1 impacted area. I would like RASO to 24 specifically address this. 25 The Parcel A FOST needs to deal with the</p> <p>Page 110</p>
<p>1 who's -- has been reading it maybe can help you. 2 But the Finding of Suitability to Transfer is 3 that documentation, Mr. Manuel, and the Record of 4 Decision is the final decision document. 5 The finding of Suitability to Transfer, the 6 FOST, documents the CERCLA and some non-CERCLA issues; 7 and if you read it, then that's the -- the comprehensive 8 review that's required prior to transfer -- 9 DR. SUMCHAI: I just need to emphasize -- 10 MR. FORMAN: -- from the Navy. 11 DR. SUMCHAI: -- to Mr. Work, I felt that you 12 heard me, as part of the draft final HRA, this is it, 13 basewide impacted areas, the storm drain lines for the 14 base. And it specifically says that the known continued 15 access contamination potential is likely in your former 16 NRDL building locations. 17 The storm drains and sanitary sewer systems 18 that were investigated in SI 50 on Parcel A fall into 19 this category. Parcel A was the site of NRDL 20 laboratories. 21 So just on the basis of what is in the -- you 22 know, the HRA, this is -- this is information that -- 23 you cannot ignore this, okay? 24 MS. PENDERGRASS: Okay. I -- 25 DR. SUMCHAI: And I would like --</p> <p>Page 110</p>	<p>1 imminent threat and risk of fire if you are aware that 2 there is a development plan that calls for building 3 houses, demolition and deconstruction in an area where 4 there were five fires last July and August, and then the 5 conveyance agreement specifically stipulates that the 6 hazard indices be less than 1 and the cancer -- excess 7 cancer risk be less than, you know, 1 times 10 to the 6. 8 And this is not defined in the Parcel A -- 9 MS. PENDERGRASS: Okay. 10 DR. SUMCHAI: -- human health risk -- 11 MS. PENDERGRASS: Okay. So -- 12 DR. SUMCHAI: -- or Record of Decision. 13 MS. PENDERGRASS: So, Doctor, at this point, at 14 this point, I need to ask the question of the Navy, is 15 there anything the Navy is willing to do in terms of 16 those actions or recommendations at this juncture? Yes 17 or no. I mean, that's really the question on the table 18 at this point. 19 MR. FORMAN: Yeah. 20 We would be -- we would be happy to take a look 21 at those, Dr. Sumchai, and then report back to 22 everybody. 23 And I'm not -- again, I'm not here to embarrass 24 anybody, but let me just put this out: You have either 25 misread, misrepresented, or flat-out just don't</p> <p>Page 112</p>

1 understand some of the basics that go into the business
2 of environmental --
3 DR. SUMCHAI: Is that right?
4 Does --
5 MR. FORMAN: -- human environment --
6 DR. SUMCHAI: -- everyone --
7 MR. FORMAN: -- assessment.
8 DR. SUMCHAI: -- agree with Mr. Forman?
9 MR. ATTENDEE: No.
10 ATTENDEES: No.
11 MS. ATTENDEE: There was one --
12 MS. PENDERGRASS: That's not what it's about at
13 this point.
14 DR. SUMCHAI: No, it is. It is.
15 MR. FORMAN: So all I want to say, Dr. Sumchai,
16 is: We will -- we will go ahead and we will completely
17 address these issues, if you wish, in the next RAB.
18 DR. SUMCHAI: I think we should.
19 MR. FORMAN: And -- But we will also work with
20 you, and I'd like to show you some of the documents. We
21 need to get together during the month and go over some
22 of these things so I can explain some of the things
23 about how things are done in the documents, and I think
24 that will lead to a better understanding for you. And
25 then I'll report back -- because it's my obligation to

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1 do this, I'll report that back to the rest of the RAB.
2 DR. SUMCHAI: Sure.
3 MR. FORMAN: Okay.
4 MS. PENDERGRASS: Wha- -- and can I also just
5 ask for this? Dr. Sumchai, can -- because we're going
6 to put this on as a action item for the next RAB in
7 terms of having this followed up, but also can -- will
8 you all have an opportunity to meet so that there will
9 be a follow-up and resolution to your --
10 DR. SUMCHAI: Oh, sure.
11 MS. PENDERGRASS: -- for next -- for next time,
12 either a further agreement or not or first
13 recommendation? I just want to make sure so they're not
14 left unresolved.
15 DR. SUMCHAI: Yes.
16 MS. PENDERGRASS: Does that make sense to you?
17 Now, is there anything that hasn't been
18 discussed or that we need to --
19 MR. TOMPKINS: Yeah.
20 MS. PENDERGRASS: -- add to this?
21 MR. TOMPKINS: I have -- I have a point here.
22 MS. PENDERGRASS: Let's start with Miss Pierce
23 first and --
24 MS. PIERCE: Well, you had a list of people and
25 my -- my name -- my hand just went up.

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1 MS. PENDERGRASS: Very -- very fine. I didn't
2 see that.
3 MR. TOMPKINS: I have a -- I have a point for
4 all of us --
5 MS. PENDERGRASS: We'll get back to --
6 MR. TOMPKINS: -- okay? And it's some of that
7 respect that J. R. said earlier as well.
8 Look, if we can disagree, but mutual respect
9 for each other is mandatory --
10 MS. ASHER: Thank you.
11 MR. MANUEL: Here, here.
12 MR. TOMPKINS: -- period, in terms of
13 emotionalism that we put in, yes.
14 Then it's -- some of us do volunteer work, just
15 all the research.
16 Keith, I think your comments -- you may
17 disagree with Dr. Ahimsa; but in terms of mannerism of
18 how same thing earlier with Ahimsa in terms of
19 relationships with Lea, we all have to respect each
20 other --
21 MR. FORMAN: I agree.
22 MR. TOMPKINS: -- in that I think the result of
23 lack of professionalism --
24 MS. ASHER: Yeah.
25 MR. TOMPKINS: -- especially with someone

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1 working on this voluntarily, free, and not paid; that's
2 a lot of damn work. And I'm a scientist. That's a lot
3 of work without a staff. Everybody --
4 MR. FORMAN: That's fine. I don't -- I don't
5 appreciate the verbiage in a presentation which
6 indicates that we have deceived people and that the
7 document is deceitful.
8 MR. TOMPKINS: Again, personalization -- this
9 is what I'm saying, personalization --
10 MS. PENDERGRASS: I --
11 MR. TOMPKINS: -- is keep to the point --
12 MS. PENDERGRASS: I think --
13 MR. TOMPKINS: -- of where --
14 MS. PENDERGRASS: -- you both --
15 MR. TOMPKINS: -- we're going --
16 MS. PENDERGRASS: -- have made your point --
17 MR. TOMPKINS: --to dispute the facts.
18 MS. PENDERGRASS: -- about that. You both have
19 made your point about that.
20 MR. TOMPKINS: That's all the way around for
21 everybody, okay?
22 MS. PENDERGRASS: You both have made your point
23 about that. So let's --
24 MR. TOMPKINS: But I have a question later in
25 terms of the --

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<p>1 MS. ASHER: Yeah. I don't want to --</p> <p>2 MR. TOMPKINS: -- facts.</p> <p>3 MS. ASHER: -- belabor this either, but I -- I</p> <p>4 felt that Dr. Sumchai deserves more respect from the</p> <p>5 Navy than that, and I felt offended by that.</p> <p>6 MS. JACKSON: That's right.</p> <p>7 MS. PIERCE: I would move it to another</p> <p>8 discussion; and I would like to -- I would like to just</p> <p>9 remind all of us that in our discussions concerning</p> <p>10 Parcel B, we still have pending the issue of what is</p> <p>11 ambient.</p> <p>12 And the fact that we haven't received that</p> <p>13 response should bear on this report that we're looking</p> <p>14 at right now, because the Risk Review Committee and the</p> <p>15 full RAB has agreed that the Navy determining ambient</p> <p>16 levels of certain chemicals in an area that is full of</p> <p>17 not only -- well, full of landfill and has been built on</p> <p>18 fill that they removed from hills that we know had some</p> <p>19 of these substances is a serious problem.</p> <p>20 So I don't think we should go forward with</p> <p>21 anything related to Parcel A until we review and</p> <p>22 finalize that discussion about what is ambient and what</p> <p>23 isn't.</p> <p>24 MS. PENDERGRASS: So is there a recommendation</p> <p>25 that's following that, Miss Pierce?</p>	<p>1 I have said that they are distorting what is ambient and,</p> <p>2 as a result of that distortion, are allowing parcels to</p> <p>3 be transferred that really are not safe.</p> <p>4 MS. PENDERGRASS: And I'm asking, what do you</p> <p>5 want to do with it? What do you want to do?</p> <p>6 MS. PIERCE: Well, we agree that we were going</p> <p>7 to fully discuss that, and we have not fully discussed</p> <p>8 that on Parcel B, that that was going to be an issue in</p> <p>9 the future because we never resolved it.</p> <p>10 MS. PENDERGRASS: Okay.</p> <p>11 MS. PIERCE: Since it's coming up on Parcel A,</p> <p>12 which is to be transferred imminently, I think we need</p> <p>13 to get back to that discussion.</p> <p>14 MS. PENDERGRASS: Okay. Okay. So then what</p> <p>15 are you asking? Tell me -- Clarify the recommendation,</p> <p>16 Miss Pierce.</p> <p>17 MR. MANUEL: Somebody needs to make a motion is</p> <p>18 what the problem is here. I mean, it's not fair to the</p> <p>19 Navy. It's not fair to the doctor. Someone will either</p> <p>20 make a motion --</p> <p>21 MS. PENDERGRASS: I --</p> <p>22 MR. MANUEL: -- that clarifies that.</p> <p>23 MS. PENDERGRASS: At this point, I was hearing</p> <p>24 an action item follow-up to the -- the items that</p> <p>25 Dr. Sumchai presented. Miss Pierce said that that was</p>
<p>1 MS. PIERCE: That that should be part of the</p> <p>2 recommenda- -- the part of the recommendations that</p> <p>3 Dr. Sumchai has made I'm asking to include that we go</p> <p>4 back to that discussion about what is ambient and get a</p> <p>5 final resolution on that.</p> <p>6 MS. PENDERGRASS: Is that -- is that clear to</p> <p>7 you, Mr. Forman, what that entails?</p> <p>8 MR. FORMAN: No.</p> <p>9 MS. PENDERGRASS: Okay. I -- From what I</p> <p>10 understand you just said is that as part of the issues</p> <p>11 that you're clarifying that Dr. Sumchai presented and</p> <p>12 that you're addressing, there also needs to be an</p> <p>13 addressment to what ambient means, what that level</p> <p>14 means, some clarification around ambient, the term</p> <p>15 ambient. Can you provide that kind of clarity?</p> <p>16 MR. FORMAN: Yes, we can -- we can explain the</p> <p>17 development and -- and the formulation of Hunters Point</p> <p>18 ambient levels, which are called HPALS.</p> <p>19 MS. PENDERGRASS: Is that -- is that what</p> <p>20 you're asking for? Okay. That's in addition to that,</p> <p>21 and that will be noted.</p> <p>22 MS. PIERCE: We're -- we're asking for more</p> <p>23 than that. We heard that.</p> <p>24 MR. FORMAN: Right.</p> <p>25 MS. PIERCE: We have not accepted that. We</p>	<p>1 not correct.</p> <p>2 MS. PIERCE: I just want the Navy to address</p> <p>3 that with the other recommendations, which means that we</p> <p>4 have to continue a discussion.</p> <p>5 MS. PENDERGRASS: Are you clear about it at</p> <p>6 this point?</p> <p>7 MR. FORMAN: May I make a --</p> <p>8 MS. PIERCE: This is --</p> <p>9 MR. FORMAN: -- recommendation, Karen, that</p> <p>10 we --?</p> <p>11 MS. PIERCE: -- a long -- This is -- this is</p> <p>12 hanging over a long time --</p> <p>13 MR. FORMAN: Well --</p> <p>14 MS. PIERCE: -- and --</p> <p>15 MR. FORMAN: -- why don't we --?</p> <p>16 MS. PIERCE: -- the State has agreed with us</p> <p>17 that your characterization of background levels or</p> <p>18 ambient levels of certain chemicals is wrong, and we</p> <p>19 need to get that finally resolved.</p> <p>20 MR. TOMPKINS: State has one definition.</p> <p>21 Mr. Chin Chow [phonetic], who was previously at the one</p> <p>22 when we talked about manganese and the whole issue that</p> <p>23 there's never been resolved and that go on to Parcel A</p> <p>24 and we're using a definition that no one has defined.</p> <p>25 There are two differences --</p>

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1 MS. ATTENDEE: I got it.
2 MR. TOMPKINS: -- the state and the federal,
3 and it's never been resolved.
4 It has been the subcommittee's recommendations
5 that they agreed with the State in their definition.
6 The federal government has a different -- The Navy has
7 a different operation -- operational definition. It
8 hasn't been resolved. That issue needs to be resolved
9 before any transfer -- would be my motion that no
10 transfer be taken -- taken place until these definitions
11 are clarified and come to agreement.
12 MS. PIERCE: I'll second it.
13 MR. FORMAN: Okay. But, Karen, you -- you had
14 said that we had already talked about that --
15 MR. TOMPKINS: There are always references to
16 deal --
17 MR. FORMAN: -- in reference to "A" --
18 MR. TOMPKINS: -- with soil.
19 MR. FORMAN: So you're now talking about --
20 MS. PIERCE: No.
21 MR. FORMAN: -- "B."
22 MS. PIERCE: We -- we talked about it with
23 reference to "B." It has just come up with reference to
24 "A," and that's why I'm saying, this was on hold because
25 it was a discussion about Parcel B that we were going to

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1 I get back to you.
2 MR. TOMPKINS: That dealt with land- --
3 MS. PIERCE: Since --
4 MR. TOMPKINS: -- fill.
5 MS. PIERCE: Yeah, that dealt with landfill.
6 Since it's coming up with Parcel A, we need to bring
7 that back to --
8 MR. TOMPKINS: On the table.
9 MS. PIERCE: -- the table.
10 MS. PENDERGRASS: And I'm -- and I'm going to
11 frame this one more time. I'm trying to get to what is
12 the action you're requesting and whether or not the
13 Navy's clear about that.
14 MS. PIERCE: That that discussion be reopened
15 in -- in reference to Parcel A.
16 MS. PENDERGRASS: Do you understand what the
17 recommendation is or the action is, Mr. --
18 MR. FORMAN: Not --
19 MS. PENDERGRASS: -- Forman or Mr. Brooks?
20 MR. FORMAN: Not exactly at this point.
21 MS. LUTTON: Can I clarify?
22 MS. PENDERGRASS: Just a moment, Miss Lutton.
23 MR. BROOKS: This will just take a second.
24 A little bit of hard time understanding what's
25 being asked. But to further the discussion, would that

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1 be similar to, I think, if you recall, last summer where
2 we met over at the gym and talked about the --
3 MS. PIERCE: Right.
4 MR. BROOKS: -- hundred soil samples we
5 collected out in the city and how the metals results we
6 got from those samples on residential areas on Chauncey
7 [phonetic] and Malta streets, Twin Peaks, here on Innes.
8 Those values were consistent and sometimes even
9 higher than the ones that we find at the Shipyard.
10 So, I mean, if you look at just one sample,
11 cancer risk on Twin Peaks can go 10 to the minus 4.
12 MS. PENDERGRASS: Okay. But I -- I --
13 Again --
14 MR. BROOKS: So --
15 MS. PENDERGRASS: -- getting to the process,
16 what is there --?
17 MR. BROOKS: I can -- I can -- I can offer to
18 come back and explain to you and discuss the -- the
19 findings of that study that we did within the city.
20 MS. PENDERGRASS: But I hear -- I hear -- but I
21 hear Miss Pierce saying that everyone understands what
22 you've said. They don't agree.
23 What I'm asking for is, what action do you want
24 to -- the Navy to take from that, or what do you want to
25 happen?

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1 I don't -- I don't quite understand what can
2 happen from that. So I'm asking, what do you want to
3 happen from that?
4 MR. FORMAN: Can Karen talk to me --
5 MS. PIERCE: The State --
6 MR. FORMAN: -- and request me to do that?
7 MS. PIERCE: The State -- the State -- At that
8 meeting and at the subsequent RAB meeting, the State
9 said: "That is incorrect. We do not agree with it."
10 And that has never been resolved.
11 MS. PENDERGRASS: Okay.
12 MS. PIERCE: And we need to get final
13 resolution. I think this is a good place to have that
14 discussion and try to come to some resolution --
15 MS. PENDERGRASS: Just a moment.
16 MS. PIERCE: -- because it is really
17 detrimental to our health to allow the Navy to start
18 deciding what is ambient and to have what they decide be
19 beneficial only to them.
20 MS. PENDERGRASS: Okay.
21 MS. PIERCE: Okay?
22 MS. PENDERGRASS: We have a couple more people
23 who want to weigh in on this conversation.
24 Yes, sir, and then over here and then Miss
25 Lutton.

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<p>1 MR. RIPLEY: I just wanted to compliment 2 Dr. Sumoon -- Sumoonchee [phonetic]? 3 MS. ATTENDEE: Sumchai. 4 MR. RIPLEY: -- Sumcha [phonetic] for a 5 thorough presentation. 6 And also, this is a question directly to 7 Mr. Keith Forman regarding as I see here and sit here 8 and observe and listen, I like to ask, are -- is this 9 presentation is in some other language translation? 10 Especially up in this hill, again the 60 percent is 11 African-American, and 40 percent is Samoan Pacific 12 Islander. 13 I would like to directly ask the Navy to please 14 have this -- some of this very important -- very 15 important information to be translated. Thank you. 16 MS. PENDERGRASS: All right. Let's -- I'm 17 sorry. I think we had Mr. Manuel; then we have Miss 18 Lutton and then Chris. 19 MR. TISDELL: What happened to Mr. Tisdell? 20 MS. PENDERGRASS: I'm sorry. You're still 21 sitting there. I have not forgotten you. Then 22 Mr. Tisdell and we'll go to Miss Lutton. 23 (Simultaneous colloquy.) 24 MS. PENDERGRASS: Could we wait a minute? And 25 in fact, we have -- we have four more questions. We had</p> <p style="text-align: right;">Page 125</p>	<p>1 MR. MANUEL: No. I was actually next after 2 Michael. 3 MS. PENDERGRASS: Well, you go right ahead, 4 sir. 5 MR. MANUEL: I know you don't -- I know you 6 don't love me, but I have to speak up. 7 MS. PENDERGRASS: Yes, sir. 8 MR. MANUEL: Okay. First off, you know, this 9 question has come up before in previous meetings. There 10 will be issue regarding who has the final say in the way 11 this base is treated. 12 My experience, which is 30 years as a developer 13 in all these various areas, is that because it's a 14 federal facility, the feds have trump card. Unless they 15 subordinate to the State, this is a federal facility, 16 and the feds are going to decide how this is cleaned up. 17 This is my -- this is my education. Now, if -- if 18 I'm -- if I'm a ignorant person, then now you know. 19 But having said that, having said that, what I 20 recommend is -- because everybody kind of wants the same 21 thing, but nobody's putting it in a format for it to be 22 effectively dealt with. The Navy is confused because 23 they don't -- no one is really asking them to 24 participate in something that gives them a means of 25 answering these questions properly. People are saying</p> <p style="text-align: right;">Page 1</p>
<p>1 an hour, and we need to stop for ten minutes. So ten 2 minutes and we'll reconvene. 3 (Recess 8:08 p.m. to 8:18 p.m.) 4 MS. PENDERGRASS: We need to reconvene or we'll 5 be here till midnight. 6 MS. BUSHNELL: Or all night, whatever is 7 needed. 8 MS. PENDERGRASS: I know this is a committee 9 room. And I think that as Miss Asher would say, we need 10 to go on the record as saying that, you know, there's 11 appreciation all around for the -- all the work that 12 goes into a RAB committee and RAB members here, a lot of 13 volunteer hours. 14 I know all the regulators are being paid; Navy 15 people are being paid. But the people around the RAB 16 that represent the community are not paid people, for 17 the most part. They are doing this out of a sense of 18 civic duty. 19 So from that perspective, let us move forward a 20 little bit, a little bit more forward. We have three 21 more questions or comments about Dr. Sumchai's 22 presentation, and then we have a presentation by Miss 23 Warren unless those questions to Dr. Sumchai can hold. 24 So, Chris, I think you were next, and then we 25 had Mr. Tisdell.</p> <p style="text-align: right;">Page 126</p>	<p>1 Well, I want this. 2 But what I'm sa- -- what I'm suggesting here is 3 that we acquire some sort of pro forma as to how this 4 process is supposed to proceed. 5 And if that pro forma is then augmented, 6 changed, or -- or rearranged specifically to Hunters 7 Point, I think we should know that there's been a change 8 of plans so that people can see for themselves how in 9 fact this process is supposed to take place and if in 10 fact these things are -- are being adhered to, such as 11 the chemicals being ignored because they're ambient -- 12 MS. PENDERGRASS: Mr. Manuel -- 13 MR. MANUEL: -- and because the -- because the 14 fact -- 15 MS. PENDERGRASS: -- can you get to the point? 16 MR. MANUEL: Well -- well, what I'm trying to 17 say is, I'm recommending that -- that the Navy and/or 18 other regulators provide to the RAB a basic operational 19 process for how these things are supposed to take place 20 and that these various regulators present themselves at 21 a subcommittee meeting with questions from all of the 22 people involved as to the things that are very dear to 23 them to be answered at that meeting so that, once and 24 for all, people can get their answers to their questions 25 and that the regulators can fairly be asked these</p> <p style="text-align: right;">Page 128</p>

1 questions ahead of time so they can be prepared for
2 them.
3 And that way we can move on from there, and
4 then -- and the questions would be answered, and people
5 can be shown how this stuff is supposed to go and how
6 they are proceeding according to the way it's supposed
7 to be.
8 MS. PENDERGRASS: All right.
9 MR. MANUEL: That's my -- that's my --
10 MS. PENDERGRASS: Okay.
11 MR. MANUEL: -- motion.
12 MS. PENDERGRASS: Mr. Tisdell and then Chris.
13 MR. TISDELL: I have -- I have -- I have -- I
14 have a recommendation. Like Dr. Shimshai [phonetic] got
15 her -- her report, Navy come with theirs, Cal. EPA come
16 with theirs, sit down; and RAB members, who are very
17 interested in what is going on, will come to the meeting
18 so that way everybody can have a clear understanding
19 instead of like now, confused.
20 MS. PENDERGRASS: Okay. All right.
21 Miss Lutton?
22 MS. LUTTON: I -- I've -- Never mind.
23 MS. PENDERGRASS: Okay. Chris?
24 MR. HANIF: Just quickly, I just want to make
25 sure that whatever date is set for this to transpire

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1 that I got that information I said.
2 MS. PENDERGRASS: All right, Mr. Hanif, we'll
3 make sure we write that down.
4 Mr. Lanphar?
5 MR. LANPHAR: Tom Lanphar for the Department of
6 Toxics.
7 And I could follow up on, you know, what you're
8 suggesting, I -- I think it's important that be
9 available either in a subcommittee meeting or a RAB
10 meeting to look at those points.
11 And Dr. Sumchai made, I think, five main
12 points, and maybe there's a few other minor points too.
13 At the break I talked to her.
14 What I'm going to do is include those points,
15 and I'll look at the -- the ROD and the FOST and make
16 sure that for myself I understand what went on in the
17 past. There's a lot of people who I ride on the
18 shoulders of, Dr. Chein Kao, for one.
19 And so I have to understand, well, what
20 happened way back when and/or make sure that -- so far,
21 like as Michael Work said, we have looked at the FOST.
22 We have looked at the ROD, I should say. We looked at
23 the ROD and other past decisions and haven't found
24 anything right now that we're ready to reconsider.
25 There has been things that have been

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1 identified, and the Navy has shrunk the parcel
2 boundaries in order to deal with those that they -- we
3 can't deal with them and so were going to remove them.
4 And so far we have been okay with the -- the movement of
5 the boundaries.
6 But we will look at these five points plus the
7 ambient levels. There's -- whether or not the CERCLA
8 process and how the decisions were made to look at all
9 the sites, remove the SI site inspections, go to
10 remedial investigations, a lot of data was collected and
11 so far of what I looked at the ROD and the remedial
12 investigation.
13 It's -- it's really hard to go back and
14 second-guess what people did ten years ago. It's very,
15 very difficult. So you really have -- have really good
16 new information that's going to say "Oh, this is
17 something new," like now the storm sewers and the
18 radiological impacts of those sewers. So that part --
19 piece of the problem has been removed.
20 So that's what I could do, include these points
21 in our review and make sure that we're satisfied and we
22 understand those.
23 MR. MANUEL: I got to --
24 MS. PENDERGRASS: So at this point, we have --
25 MR. MANUEL: I think it's great --

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1 MS. PENDERGRASS: We have an action at this
2 point being suggestion -- a suggestion --
3 MR. MANUEL: I made a motion.
4 MS. PENDERGRASS: -- by the Department, and --
5 We don't have a motion on the floor.
6 MR. MANUEL: I made a motion that we set up
7 such a meeting that these things can take place. I did
8 make the motion.
9 MS. PENDERGRASS: The motion was never
10 seconded.
11 MR. MANUEL: I -- You never called for --
12 MR. TOMPKINS: You never called --
13 MR. MANUEL: -- anything. I did make a motion
14 along with my statement.
15 MS. PENDERGRASS: Let's -- let -- Again,
16 again, at this point, so what -- let's clarify the
17 motion. In light of Mr. Lanphar's action suggestion, do
18 you want to clarify a motion?
19 MR. MANUEL: Gladly. Basically --
20 MS. PENDERGRASS: Can you just state it?
21 MR. MANUEL: That's what I'm going to try to
22 do. What language do you want me to say it in? I mean,
23 you know.
24 I mean basically talking to the EPA and -- and
25 hearing his -- his statements and -- and knowing Keith

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1 Forman, you know, as I do, I believe the regulators,
2 from what I'm hearing, are more than amenable to this.
3 So my motion basically is that we set up an
4 opportunity for the RAB members, community, and the
5 regulators to have an opportunity to -- to -- First off,
6 the regulators need to be poised [sic] -- the question
7 needs to be posed to them before this event, and they
8 then will be in opportunity to come --
9 MS. PENDERGRASS: Let me help you with this
10 motion. Your motion is, you would like to propose a
11 meeting of the regulators and have them meet with the
12 Navy and get back to us around those recommendations.
13 Is that not what you want to say?
14 MR. MANUEL: But I want them to have the
15 questions in advance so that nobody's there saying,
16 "Well, I'll have to get back to you."
17 MS. PENDERGRASS: Okay. So --
18 MR. MANUEL: So I guess you always hurt the one
19 you love. Is that what I do?
20 MS. PENDERGRASS: Okay. So we've got the
21 points. We -- You've got the points? Mr. Work, do you
22 have the points?
23 You have the points. You all are agreeing to
24 meet with the Navy and to talk about this in advance to
25 formulate a presentation, and is that going to be on the
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1 next month's agenda?
2 MR. FORMAN: Get the RAB -- I'd like to --
3 MS. PENDERGRASS: We'd like to do that, or we'd
4 like to move that to July? I just want some clarity on
5 that.
6 MR. MANUEL: I think people want these
7 answers --
8 MR. TOMPKINS: Now.
9 MR. MANUEL: -- now.
10 MS. PENDERGRASS: Okay. So we're going to put
11 the -- So that's the motion, that this work will be
12 done and that these questions will be answered and
13 talked about in a presentation, and the resolution will
14 be on the --
15 MR. TOMPKINS: Next agenda, next month.
16 MS. PENDERGRASS: -- June RAB meeting. That's
17 the -- that's the motion.
18 MR. MANUEL: The meeting's in May.
19 MR. FORMAN: May.
20 MS. PENDERGRASS: May.
21 MR. MANUEL: You also have to discuss how the
22 people will present their questions so you people will
23 be able to answer them.
24 MS. PENDERGRASS: Okay. Okay. Let's get a
25 second on that motion.

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1 MR. MANUEL: Because other people may have
2 something to --
3 MS. PENDERGRASS: Make sure we got a second.
4 We can have a little bit more discussion, and we're
5 going to call the question.
6 Yes, sir.
7 MR. LANPHAR: When's the new comment period of
8 the FOST in this discussion?
9 MR. FORMAN: May 17th.
10 MR. LANPHAR: May 17th is the -- the next
11 comment period.
12 MR. FORMAN: It would be separate from the RAB
13 meeting, because it would have to be before then.
14 MR. LANPHAR: Before us -- Going to be
15 before --
16 MS. PENDERGRASS: Do we want to convene an
17 entire RAB meeting or a subcommittee that everybody
18 attends?
19 MR. MANUEL: It seems to me --
20 MS. PENDERGRASS: What's your pleasure?
21 MR. MANUEL: It seems to me that the
22 subcommittees seem to be good enough. I mean, we could
23 just --
24 What do you think, Doc?
25 DR. SUMCHAI: Well, my availability is limited
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1 by how many times I --
2 MS. JACKSON: I can't hear you.
3 DR. SUMCHAI: My availability is limited in for
4 evening meetings, and we may want to think about, you
5 know, something that's a workshop, you know, maybe on a
6 Saturday. I hope people could do that, but I --
7 MR. MANUEL: That sounds good.
8 MS. PENDERGRASS: So are you all going to take
9 it upon yourselves to do this before the next RAB
10 meeting, or shall we set a date right now?
11 DR. SUMCHAI: We should set a date right now.
12 MS. PENDERGRASS: All right. Somebody throw
13 something out here so we can haggle over it.
14 MR. MANUEL: They are vying for the question to
15 be formed so they can answer the questions.
16 MS. PENDERGRASS: The questions are already
17 posed.
18 MR. MANUEL: No, they are not. There's other
19 people here that have questions too. RAB members, they
20 have questions.
21 MS. PENDERGRASS: I -- I'll tell you what, why
22 don't we pick a point person at this point? We're going
23 to funnel our questions through the community co-chair;
24 and Mr. Brown, I'm sure, is happy to take the lead on
25 forming those questions and making sure that everybody

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1 has the same set.
2 Won't you, Mr. Brown?
3 MR. BROWN: Right.
4 MS. PENDERGRASS: All right. Very fine.
5 That's a wonderful solution to that. Let's get a date.
6 MR. ATTENDEE: May.
7 MS. PENDERGRASS: Mr. Tompkins, do you have a
8 date?
9 MR. TOMPKINS: No. I would suggest that the
10 two chairs of these committees --
11 MS. PENDERGRASS: I'm sure Mr. Brown will
12 coordinate that.
13 MR. TOMPKINS: Mr. Brown set up a date --
14 MS. PENDERGRASS: He's wonderful at doing that.
15 MR. TOMPKINS: -- what's convenient for
16 Saturday.
17 MR. TISDELL: Say.
18 MS. PENDERGRASS: May 8th.
19 MR. TOMPKINS: May 8th.
20 MS. PENDERGRASS: Does anybody have a problem
21 with May 8th? It's Mother's Day weekend. Is that going
22 to be a problem for those mothers here? If you're a
23 father, you shouldn't have any problem with that.
24 MS. PIERCE: Don't put that on the record.
25 MS. PENDERGRASS: Okay. Do we have another

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1 date if Mother's Day's a problem? Let's --
2 MR. TISDELL: May 1st.
3 MS. PENDERGRASS: May 1st. Anybody else have a
4 problem with May 1st?
5 MS. OLIVA: It's Open Studio..
6 MR. TISDELL: Then May 16th.
7 MS. PIERCE: Let's go with May 8th. Let's go
8 with May 8th.
9 MR. TOMPKINS: May 8th?
10 MS. PENDERGRASS: Okay. May 8th. We have
11 consensus on May 8th.
12 We will have a meeting at May 8th at what time?
13 What time?
14 MR. MASON: Ten a.m.
15 MR. BROWN: 11:00.
16 MR. TOMPKINS: 11:00.
17 MS. PENDERGRASS: Eleven o'clock. And where
18 are we having that meeting?
19 MR. LANPHAR: I have a conflict on that.
20 MS. ASHER: How about here?
21 MS. PENDERGRASS: Okay.
22 MR. TOMPKINS: No.
23 MS. PENDERGRASS: Mr. -- Mr. Lanphar has a
24 conflict on that date. And since he's --
25 MR. LANPHAR: It's my daughter's --

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1 MS. PENDERGRASS: -- one of the --
2 MR. LANPHAR: -- four-year birthday.
3 ATTENDEES: Oh.
4 MS. PENDERGRASS: Okay. So we can't do it. We
5 have a conflict on that day.
6 MR. TISDELL: Break out and sing Happy Birthday
7 to her.
8 MS. PENDERGRASS: Do we have another date in
9 mind? Do you have another date?
10 MR. TOMPKINS: May 1st?
11 MR. TISDELL: May 1st.
12 MS. LUTTON: No May 1st.
13 MR. TISDELL: Why?
14 MS. LUTTON: Because it's Labor Day, and it's
15 like 50 million things going on in the city.
16 MR. TISDELL: That makes the next Saturday is
17 May 16th.
18 MR. MANUEL: 17th is the deadline.
19 MS. PENDERGRASS: Okay.
20 MR. TISDELL: The 17th is the deadline.
21 MS. PENDERGRASS: Is the deadline.
22 DR. SUMCHAI: Oh, I see.
23 MR. MANUEL: You need a --
24 MR. TOMPKINS: So we have to give up one of
25 them.

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1 MS. OLIVA: What about Sunday?
2 MS. PENDERGRASS: So if --
3 MR. TOMPKINS: So we have to go the 1st.
4 MS. ATTENDEE: Right.
5 MR. CAMPBELL: Why don't we go to a Sunday
6 possibly?
7 DR. SUMCHAI: That's an idea.
8 MS. PENDERGRASS: Sunday evening?
9 DR. SUMCHAI: Or Sunday --
10 MR. TOMPKINS: Afternoon?
11 DR. SUMCHAI: -- afternoon.
12 MS. PIERCE: May, the 2nd --
13 MR. TOMPKINS: Afternoon?
14 MS. PIERCE: -- in the afternoon.
15 MS. PENDERGRASS: The 2nd? May 2nd?
16 MR. TOMPKINS: May 2nd, sure.
17 MS. PENDERGRASS: Okay, we got to get this
18 resolved and rather quickly, please. May 2nd?
19 MR. TOMPKINS: No.
20 MS. OLIVA: May 2nd is --
21 DR. SUMCHAI: Yes.
22 MS. OLIVA: -- Open Studio.
23 MS. PENDERGRASS: Okay, but somebody's not
24 going to be able to attend --
25 MR. BROWN: Right.

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1 MS. PENDERGRASS: -- and I think --
2 MR. TOMPKINS: May 9th?
3 MS. PENDERGRASS: -- if we're making an
4 appointment about --
5 MR. CAMPBELL: May 9th.
6 MS. PENDERGRASS: -- essential people at this
7 point, the regulators have -- are essential at this
8 point --
9 MR. TOMPKINS: And the subcommittee chair.
10 MS. PENDERGRASS: -- the Navy's essential at
11 this point, and the co- -- the chairs and the
12 subcommittee chair's essential at this point.
13 MS. ATTENDEE: May 9th.
14 MS. PENDERGRASS: Do we have a --?
15 MS. OLIVA: May 9th.
16 MR. TOMPKINS: May 9th.
17 MR. BROOKS: That's Mother's Day.
18 MR. TOMPKINS: May 9th.
19 MS. PIERCE: May 9th is Mother's Day.
20 MR. TOMPKINS: Mother's Day.
21 MS. PENDERGRASS: Okay.
22 MR. TOMPKINS: May 1st?
23 ATTENDEE: Is that --?
24 MR. HANIF: What happened with May 1st? I know
25 there's a concern.

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1 MS. PIERCE: Let's go back to May 1st.
2 MS. PENDERGRASS: Okay.
3 MR. HANIF: May 1st.
4 MS. PENDERGRASS: So May 1st at this point.
5 What time on May 1st?
6 MR. TISDELL: 10:00.
7 MS. PENDERGRASS: Ten o'clock in the morning on
8 May 1st? Okay. So can all the people that are key --
9 So, Mr. Lanphar, can you make that?
10 MR. LANPHAR: (Nods.)
11 MS. PENDERGRASS: Mr. -- Mr. Forman, can you
12 make that?
13 MR. FORMAN: We will make that.
14 MS. PENDERGRASS: Mr. Work, can you make that?
15 MR. ATTENDEE: No.
16 MS. PENDERGRASS: Okay. Mr. Brown, can you
17 make that?
18 MR. BROWN: Yes. Where at?
19 MS. PENDERGRASS: Not that we're not all
20 essential, but can we make that?
21 Okay. Now that we can make that it, where are
22 we making it at?
23 MS. PIERCE: I -- I can do Milton Meyers if
24 people want to come to the gym.
25 MR. TISDELL: There it is. There it is.

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1 MS. PENDERGRASS: Okay. Milton Meyers at gym,
2 10 o'clock. This is a big meeting. Mr. Brown will --
3 he will make sure that he has the questions forwarded to
4 Mr. Keichline to get out to everyone within the next
5 three days.
6 Is that correct? Mr. Brown?
7 MR. BROWN: Yes.
8 MS. PENDERGRASS: Stay with me.
9 MR. BROWN: I'm saying if you going to do a
10 meeting, then it's going to Ron. How come you just
11 don't e-mail it straight to Ron?
12 MS. PENDERGRASS: Because you're the one who
13 has to make sure that all the questions are covered.
14 That's your job, and he'll do the e-mailing for you.
15 Okay?
16 All right. Now that we've got that shade tree
17 covered, no more questions or recommendations on that
18 issue.
19 I'm calling the question. I'm calling the
20 question. All in favor of the time and place for the
21 meeting that we just said, all in favor, say "Aye."
22 THE BOARD: Aye.
23 MS. PENDERGRASS: Anybody opposed to that date
24 and time, the question is, and meeting?
25 (No verbal response elicited.)

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1 MS. PENDERGRASS: Any abstentions to that?
2 (Ms. Lutton raises her hand.)
3 MS. PENDERGRASS: We have an abstention of Miss
4 Lutton because she can't make it.
5 All right. Very fine. We're going to move on.
6 Thank you so much.
7 MS. FRANKLIN: I would like to make a addendum
8 to the motion.
9 MS. PENDERGRASS: The motion has been passed
10 and carried, so addendum is not --
11 MS. FRANKLIN: Well, you didn't recognize me.
12 But the thing I would like to say is a suggestion is
13 that Dr. Sumchai submit her entire report to the EPA for
14 their comments.
15 DR. SUMCHAI: I submitted the -- you know, the
16 comments that were action items to Mr. Keich- --
17 Keichline, and -- and they can be, you know, specific
18 action items --
19 MS. PENDERGRASS: Okay.
20 MS. FRANKLIN: But what I'm saying is that in
21 terms -- to make it official in terms of RAB, I would
22 like to recommend that we do that, just put a little
23 heading on there, say come to RAB as of today and ask
24 for comments by whatever date you choose.
25 MS. PENDERGRASS: But there's no comments. She

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1 has action items.
2 MS. FRANKLIN: The EPA will make comments on
3 her report. That's what I --
4 MR. BROWN: Okay.
5 MS. PENDERGRASS: All right. Miss --
6 MS. OLIVA: Got a hand down here.
7 MS. PENDERGRASS: I'm sorry. Mr. Campbell,
8 please feel free.
9 MR. CAMPBELL: I think it would be good if
10 there's some clarification on who the signatures are --
11 signatories are to the FFA, because I'm not sure all the
12 RAB members here are clear on that. And I think that
13 needs to be cleared up.
14 MS. PENDERGRASS: Can that be added --
15 MR. FORMAN: Yeah.
16 MS. PENDERGRASS: -- to the questions to be
17 covered?
18 MR. MANUEL: Well, I think it's going to be
19 whatever the questions are.
20 MR. FORMAN: Yeah. That's -- it -- okay. The
21 signatories to the Federal Facilities Agreement?
22 MR. CAMPBELL: That's correct.
23 MR. FORMAN: Okay. That would be the Regional
24 Water Quality Control Board --
25 MR. CAMPBELL: Right.

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1 MR. FORMAN: -- Department of Toxic Substances
2 Control --
3 MR. CAMPBELL: Right.
4 MR. FORMAN: -- the United States Environmental
5 Protection Agency, and the United States Navy.
6 MR. CAMPBELL: Thank you.
7 MS. PENDERGRASS: All right. So those are the
8 folks that need to be at the table. Thank you for that
9 clarity.
10 Miss Warren, are you around?
11 MS. WARREN: I'm here.
12 MS. PENDERGRASS: Thank you.
13 MS. WARREN: Where would you like me to be?
14 MS. PENDERGRASS: You can be wherever you want.
15 Bless your heart and thank you for sticking around. And
16 if we could just ask you to be as concise --
17 MS. WARREN: -- short as possible.
18 MS. PENDERGRASS: Thank you so much.
19 MS. WARREN: Thank you all for taking the time
20 to let me do my presentation even though I know you're
21 running over.
22 And I just want to say that the City is really
23 pleased that it has reached the point that it has with
24 the conveyance agreement and to also say that I don't
25 think we could have gotten to this point without the

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1 involvement of several members of the RAB; and those
2 included Lynne Brown, Maurice Campbell, Karen Pierce, as
3 well as a number of other members of the community who
4 were involved with us from really months of discussions
5 and negotiations with the Navy working on this
6 agreement, including members of Arc Ecology, Saul Bloom,
7 and Shirley -- Chris Shirley and some other people, such
8 as Olin Webb. So we're really grateful for the
9 contributions that all those people have made.
10 I also want to say something at the outset
11 because I think there's some confusion about what the
12 conveyance agreement is about. It doesn't transfer
13 Parcel A. It doesn't transfer any property. It sets up
14 a process for the transfers of property to happen
15 according to rules that we have spelled out in the
16 conveyance agreement.
17 So this agreement that I'm going to explain to
18 you is really -- I'm explaining the process for how we
19 have reached agreement with the Navy that sort of an
20 orderly process for parcel transfer will occur.
21 I would also like to say that some key
22 components that are in this conveyance agreement really
23 are resolved of the contributions of both members of the
24 RAB and other community members such as a provision that
25 we will have a collaborative partnership with the Navy.

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1 It's to really try to work more closely together.
2 Also that we had incorporated into the
3 agreement the principles of Proposition P. I feel that
4 the community was really instrumental in making sure
5 that the Proposition P and its mandate to try to achieve
6 the highest standards of cleanup possible are something
7 that the community really contributed to embodying in
8 this agreement.
9 So with that, a little introduction. I just
10 want to explain a little bit about the process that we
11 have gone through, and I know many of you have been
12 involved in working on the Shipyard issues for
13 incredibly long time and have put an incredible number
14 of hours into this, and this may all be familiar ground
15 to you.
16 But getting to this agreement really started in
17 1991 when Congresswoman Pelosi sponsored special
18 legislation that allowed the Navy to transfer the
19 property to the City at no cost.
20 So an important feature of this conveyance
21 agreement is that it does provide for a no-cost transfer
22 to the City. Essentially for a dollar a parcel, the
23 property is transferred to the City.
24 There were a series of agreements. They
25 weren't binding agreements, but they were agreements in

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1 principle that were -- that were worked out with various
2 mayors and the Navy. In 1994 Mayor Jordan worked out an
3 agreement with the Navy, a Memorandum of Agreement.

4 Then in 1997 the Board of Supervisors after a
5 seven-year process of community involvement adopted the
6 redevelopment plan, and what everyone realized is, there
7 was really a need to incorporate the redevelopment plan
8 better into -- into whatever transfer agreement that we
9 had with the Navy.

10 And that eventually resulted in another
11 Memorandum of Agreement that we entered into in November
12 of 2000, and I think that Memorandum of Agreement was
13 really instrumental in setting the groundwork for the
14 conveyance agreement.

15 One of the key principles of the conveyance
16 agreement is that it establishes environmental
17 conditions for the transfer of the property, and it's
18 really a unique feature of this conveyance agreement. I
19 don't believe there's any other conveyance agreement in
20 the country that has this concept in it.

21 And basically what it does is, it doesn't
22 replace the CERCLA process. It leaves the CERCLA
23 process to be carried out according to its legal
24 mandate. But it says there are certain conditions under
25 which the Navy needs to meet in order for the City to

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1 feel comfortable accepting the property.

2 And so after we had this MOA drafted, we then
3 start -- Memorandum of Agreement -- we then started this
4 process of negotiating with the Navy, and that is the
5 process that the community was really instrumental in
6 moving along, I believe, to try to get that imbedded
7 into a detailed legal agreement.

8 And we've really been working on that process
9 in a very intense fashion since January of 2002. And
10 during much of 2002, we worked really hard on this
11 agreement.

12 And by the end of -- pretty much the end of the
13 year after literally going through this 40-plus page
14 agreement with people like Maurice and Karen and Lynne,
15 we literally walked through, I think, every sentence in
16 that agreement.

17 And at the end of that process, we felt that we
18 had reached -- we had gotten the best agreement that we
19 could achieve with the Navy, and we were very -- very
20 optimistic that the agreement would soon be endorsed by
21 the Navy.

22 And we took it through -- to the Redevelopment
23 Agency Citizen's Advisory Committee, and they endorsed
24 it in March of 2003.

25 And then it went back to Washington. And we

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1 then had a long hiatus while we waited for the people in
2 Washington to get comfortable with what we had done.
3 Because this agreement was novel -- it was really
4 different from any other conveyance agreement in the
5 country -- it took a very long time to work through the
6 Washington process.

7 And what I'm happy to report is, this March
8 really, as a result of intense negotiations and
9 involvement on the part of all of our representatives --
10 Congresswoman Pelosi, Senator Feinstein, Senator Boxer,
11 and the Mayor -- we have been able to complete the
12 process. They have signed the agreement, and now the
13 Redevelopment Agency plans to take it through its public
14 review process.

15 So let me just tell you, I'm going to try to be
16 as quick as I can about the key provisions in the
17 agreement, telling you what it does and, more
18 importantly, I think, what it doesn't do, since it's
19 often misunderstood.

20 One of the things that the conveyance agreement
21 does is, it provides for the Navy to offer property to
22 the Redevelopment Agency as each parcel is cleaned up to
23 a level acceptable to the City.

24 The Navy is -- will only offer a parcel to the
25 Redevelopment Agency if regulators agree that the

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1 cleanup is consistent with the redevelopment plan. And
2 by "regulators," we mean both federal EPA and the two
3 agencies that are represented in the Federal Facilities
4 Agreement process: That would be DTSC and the Regional
5 Water Quality Control Board.

6 The agreement also creates a partnership for
7 achieving property transfer, and there's a number of
8 ways in which it provides, we believe, better community
9 input than we might have had in the past.

10 One of the things that the agreement does is
11 that it expressly recognizes the importance of the RAB,
12 and the Navy pledges in the agreement to continue to
13 support the RAB and continue its functions and
14 operations.

15 The agreement also provides that the City can
16 go onto the property and do its own due diligence so
17 that we can go on and check conditions on the property
18 before the property is transferred to us.

19 And the agreement provides for a closer working
20 relationship between the City and the Navy to try to
21 come up with real solutions to move the cleanup process
22 forward.

23 The property conditions, which are key part of
24 this agreement, are different for different parcels.

25 So on Parcel A, the standard that the Navy

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1 needs to achieve is clean up to an unrestricted
2 residential level as is envisioned in the Parcel A ROD.
3 Obviously, before the City accepts Parcel A, it intends
4 to complete its own due diligence of looking at all of
5 the data just as the regulators are.
6 For Parcel B, we felt that the Parcel B ROD
7 sent out a standard that we did not want to relax, and
8 that standard is basically a c- -- a cleanup level to an
9 excess cancer risk of 10 to the minus 6 even though the
10 regulators could approve a cleanup at a lesser level of
11 cleanup.
12 So in the agreement with the Navy, the N- --
13 the Navy's committed to cleaning up Parcel B to a
14 10-to-the-minus-6 standard and to a depth of 10 feet for
15 soil, which is also a component of the current Parcel B
16 ROD.
17 We do recognize that the Navy has run into
18 difficulties in trying to carry out the Parcel B ROD as
19 a result of new information. And we have in the
20 agreement agreed that we will work with the Navy to try
21 to see how we can solve that problem. That may involve
22 the ROD amendment.
23 We feel that ROD amendment that's open to the
24 public and give us plenty of public input is a better
25 solution than trying to work around the edges of what

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1 was envisioned to be in the Parcel B ROD in the first
2 place. But whatever eventual cleanup is agreed to for
3 Parcel B, it will need to meet the same standard of the
4 same risk level that's currently in the Parcel B ROD.
5 For Parcel C and D, we have incorporated the
6 same concept into those parcels as we had in Parcel B in
7 the sense that the risk level must be to a
8 10-to-the-minus-6 standard and taking into account the
9 redevelopment plan uses, which is a concept that we have
10 also embodied in Parcel B.
11 So what we're really stressing is that the
12 cleanup needs to be -- allow us to safely use the
13 property for the uses that were envisioned in the
14 redevelopment plan.
15 There are some provisions in the agreement to
16 discourage the Navy from taking its time.
17 One of our concerns is that the Navy doesn't
18 have any deadlines for getting this cleanup finished.
19 And as we have all witnessed, it's a slow process. So
20 one of our concerns was that if we had these cleanup
21 standards, it would just cause the Navy to slow down,
22 fence off the property and call it a day.
23 MR. BROWN: Right.
24 MS. WARREN: Now --
25 MR. BROWN: Right.

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1 MS. WARREN: -- the Navy, in fact, I believe,
2 is more interested in moving this process along with the
3 agreement because it sees some finality to the process.
4 It sees a process that's clearly laid out and knows what
5 it needs to achieve, and that gives the Navy and it
6 helps the Navy get money for this site from, you know,
7 all the other sites that it has to compete with around
8 the country.
9 But there are a couple of provisions that we
10 have included to give them an incentive.
11 One of those provisions is, they have to
12 continue to maintain adequate security and fire
13 protection service, and they can -- we have agreed in
14 this -- in the final agreement, we have agreed that they
15 can pay us to provide that service.
16 But we have set some standards for what that
17 service needs to meet, and we think that this is one of
18 the ways to encourage the Navy to keep moving, because
19 as long as it doesn't get the property cleaned up, it's
20 going to bear the cost of providing those services.
21 We have also set our standards for a fencing
22 plan to try to protect areas in the Shipyard that aren't
23 cleaned up yet from those areas that are.
24 Some things that the conveyance agreement
25 doesn't do: As I said at the beginning, it doesn't

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1 transfer any property. It doesn't require the City to
2 accept property that is not cleaned up.
3 This is not an early transfer. Many of you
4 have heard that term. This does not provide the
5 transfer of property before it's cleaned up.
6 The agreement does not relieve the Navy of any
7 of its responsibilities under CERCLA. It still has to
8 carry out all of its CERCLA responsibilities.
9 The agreement does not transfer responsibility
10 for cleanup to the City. It in fact recognizes those
11 protections that are in law that make the Navy
12 responsible even after it transfers the property to us.
13 So there -- the CERCLA law and a provision in
14 the -- in the base closure law provides that the Navy
15 remains responsible. If we find something on property
16 that they have transferred to us and that was as a
17 result of their activities, they are still responsible
18 if that needs to be cleaned up.
19 We intend to help protect ourselves in the
20 event such a cleanup should be needed after transfer by
21 purchasing environmental -- environmental insurance.
22 And what the insurance will do is really help us to have
23 something in place so we don't have to wait around for
24 the Navy to figure out what to do in the event we find a
25 problem. We will be able to get money from the

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<p>1 insurance companies to take care of the problem and then 2 seek a claim against the Navy. 3 So insurance is a -- is a extra protection for 4 us in addition to the legal requirements the Navy has to 5 continue to be responsible. 6 As far as how the conveyance process works, 7 I'll just explain very quickly, once the Navy believes 8 that it has met the conditions in the conveyance 9 agreement, it offers us the property. 10 We then have a certain period of time, 60 days 11 for Parcel A, 30 days for the other parcels, to 12 determine whether we believe the Navy has met the 13 requirements if they are spelled out in conveyance 14 agreement. 15 If the agency agrees that the Navy has 16 satisfied the requirements, which include getting 17 regulator assurance that the property has been cleaned 18 up to the redevelopment plan uses, then the agency will 19 let the Navy know; and from the time that we got the 20 Navy notice, we have 120 days to actually complete the 21 transfer of the property. 22 It's only after that whole process that the 23 Navy has the option to do something else with the 24 property besides transferring it to us. 25 That is the essence of the agreement. I was</p> <p>Page 157</p>	<p>1 disregard, but -- 2 MS. PENDERGRASS: Thank you. 3 MR. MANUEL: -- that I don't -- I don't believe 4 that it is happening, and I think that's what you said. 5 MS. PENDERGRASS: All right. 6 Please and quickly, briefly if you can respond. 7 MR. FORMAN: Navy has not agreed to that. You 8 are absolutely right. We have not agreed to that. 9 MR. MANUEL: That's what I thought. 10 MR. FORMAN: However, that's not exactly what 11 Ms. Warren said. 12 MR. MANUEL: Well -- 13 MR. FORMAN: She said that the conveyance 14 agreement -- the principles of Proposition P have been 15 incorporated into the conveyance agreement. That's what 16 she said. 17 MR. MANUEL: Sounds like semantics to me, 18 but -- 19 MR. BROWN: Right. 20 MS. WARREN: When the Board of Supervisors 21 endorsed Proposition P, they said that Proposition P 22 called for the highest standard for cleanup that was 23 practical to achieve. And the way that the agreement 24 incorporates that concept is by establishing cleanup 25 standards that will allow the redevelopment plan to be</p> <p>Page 158</p>
<p>1 trying to do it fairly quickly because I know that we're 2 really running behind. But you want to -- 3 MS. PENDERGRASS: Okay. So let's start with 4 Mr. Manuel. 5 MR. MANUEL: No. Tompkins was first and then 6 Lynne Brown and then me. 7 MS. PENDERGRASS: We're going to do it this 8 way. We're going to have Mr. Manuel; we're going to 9 have Ms. Lutton, and then we're going to have Miss 10 Asher; we're going to have Mr. Tompkins, and then we're 11 going to end with you. 12 Yes, sir. 13 MR. MANUEL: Yes, ma'am. All right. I stand 14 corrected. 15 MS. PENDERGRASS: And one comment, please. 16 MR. MANUEL: All right. 17 I heard a lot of politics in your presentation. 18 And my question to the Navy is, have you agreed 19 to adhere to Prop P standards -- 20 MR. BROWN: Right. 21 MR. MANUEL: -- as was suggested to the letter? 22 People need to know -- 23 MR. BROWN: Right. 24 MR. MANUEL: -- that. 25 And the other question is -- I'll just</p> <p>Page 158</p>	<p>1 implemented. 2 And two, I think the principle is as clean as 3 the standard's set out in the agreement, which are to a 4 10-to-the-minus-6 risk level for Parcels B through D. 5 We haven't set specific standards for Parcel E 6 and F at this point because we didn't feel we had enough 7 information about those parcels. 8 MS. PENDERGRASS: Okay. 9 MS. WARREN: That is something that will be 10 worked out as we work through the process with the Navy. 11 MS. PENDERGRASS: All right. 12 MR. MANUEL: We're already going to do that 13 anyway. 14 MS. PENDERGRASS: Miss Lutton, and then we 15 have -- we have exactly four minutes to end this 16 discussion, or we'll have to take another break. 17 Miss Lutton? 18 MS. LUTTON: Yes. Real quick. I had two 19 questions. 20 Number one, we found out from the news that the 21 Navy summoned our mayor to Washington, D.C. Shortly 22 after that politicians went to Washington, D.C., and the 23 Navy signed the agreement. Nobody knows what happened 24 As far as we are concerned, it's a secret thing that 25 happened.</p> <p>Page 160</p>

1 MR. MANUEL: Exactly.
2 MS. LUTTON: We want to know what that was
3 about. What was --? Where --? What was the Navy
4 saying that made Newsom run up there?
5 And No. 2 is, everything is set to the
6 redevelopment plans, but that's not the highest
7 standards. Lot of the parcels we're looking at are
8 going to be cleaned up to industrial uses, and that
9 doesn't seem like the highest standard to us.
10 MS. WARREN: As far as what happened in
11 Washington, D.C., in a nutshell, the Navy did express
12 reservations.
13 The new management at the top of the Navy
14 who -- different people from whom we had worked out the
15 conveyance agreement with when we were working through
16 the process with the community, they said: "Wait a
17 minute. This conveyance agreement is too different.
18 It -- We do not feel comfortable with this at all."
19 And I -- really what happened is, as a result
20 of involvement of our congressional representatives and
21 the Mayor, we ended up with the same agreement that we
22 had negotiated with the community. And Jesse Blout and
23 Michael Cohen, neither of whom could be here, along with
24 Mayor Newsom really deserve credit for that. It was a
25 very difficult negotiation.

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1 But the agreement is the same as we had
2 negotiated with the Navy months ago. So I feel that
3 that trip to Washington was a real success.
4 As far as the highest standards practical in
5 Prop P, I think that they are -- the agreement does
6 provide for cleanup consistent with the reuse plan. And
7 we believe that is appropriate because it will assure
8 that the property is safe for the uses that we envision.
9 We do provide in the agreement that we can take
10 a careful look at those. We may refine the uses that
11 are in the redevelopment plan as we go through a process
12 of understanding better how we might develop the
13 property and work with the Navy to try to continue to
14 have a match between the cleanup and the uses on the
15 parcels. But --
16 MS. PENDERGRASS: Thank you, Miss Warren. I
17 have to cut you off at this point. I've got to give
18 fingers a rest.
19 Now, we have two more questions that we'll have
20 to do after a ten-minute break. I'm sorry. We have
21 human beings here. Ten minutes, please.
22 (Recess 8:58 p.m. to 9:04 p.m.)
23 MS. PENDERGRASS: I think this was a short ten
24 minutes you'll ever hear. Let's move this right along.
25 Come on back to the table.

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1 Mr. Capobres, you can't be drinking on the job
2 here.
3 MR. CAPOBRES: Excuse me. It's after 9:00.
4 MS. PENDERGRASS: Just teasing.
5 Miss Warren, where are you? We're not through
6 with you yet.
7 MS. JACKSON: Good.
8 MS. PENDERGRASS: All right. Next question.
9 We have two more questions, and then -- and then we have
10 a question from the audience or two. I think --
11 Miss Jackson, did you have a question?
12 MS. JACKSON: No, I did not.
13 MS. PENDERGRASS: All right, then.
14 MR. ATTENDEE: Can I --?
15 MS. PENDERGRASS: I don't know.
16 MR. CAPOBRES: I just need to announce the
17 commission meeting.
18 MS. PENDERGRASS: Sure.
19 MR. CAPOBRES: Thank you.
20 MS. PENDERGRASS: All right, then. Are you
21 next or was it Mr. Campbell? He left. So, okay, go
22 right ahead.
23 MS. OLIVA: But I need -- I need --
24 MS. RINES: They are all coming back.
25 MR. DA COSTA: Talk in the mike, please. You

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1 need to --
2 MS. PENDERGRASS: Go ahead.
3 MR. DA COSTA: Come on.
4 MS. OLIVA: The other guy --
5 MS. PENDERGRASS: Just keep going. He'll catch
6 up. He's a fast learner. Go ahead.
7 MS. OLIVA: Thank you, Miss Warren, for your
8 presentation. However, I have one question.
9 Mr. Forman earlier today, when we -- when the
10 disclosure of Building 322 was made known to us, had
11 said to us -- and you may have it on -- I need -- I need
12 to have -- either have him correct me, but I don't think
13 you would have it on your copy -- that if the Navy could
14 not dispose or clean up that particular shed, that it
15 would be the responsibility of the developer.
16 And Miss Warren, you said that the Navy has to
17 clean up everything.
18 So I'd like Mr. Forman to reiterate what he
19 said to us later in this meeting.
20 MR. BROOKS: Yeah, I can handle that response.
21 Keith was refer- -- referring to the lead-based
22 paint and the asbestos that may be in the building.
23 That would be the responsibility of the City in
24 demolishing the building if it were not -- if we don't
25 find any radiological contamination.

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<p>1 MS. OLIVA: So you're --?</p> <p>2 MR. BROOKS: We will have it surveyed, a</p> <p>3 radiological survey. If there is radiological</p> <p>4 contamination, then, of course, it's the responsibility</p> <p>5 of the Navy.</p> <p>6 But all the buildings on Parcel A that have</p> <p>7 lead-based paint and asbestos and when those buildings</p> <p>8 are being demolished, that's the responsibility of the</p> <p>9 City.</p> <p>10 MS. OLIVA: So I -- So what you're saying is,</p> <p>11 you have a building, and you will remove parts of it if</p> <p>12 there is any radioactivity; however, you will leave the</p> <p>13 paint and --</p> <p>14 MR. BROOKS: No.</p> <p>15 MS. OLIVA: -- any lead base --</p> <p>16 MR. BROOKS: No.</p> <p>17 MS. OLIVA: -- or will you con- -- will you</p> <p>18 continue to clean the whole thing up?</p> <p>19 MR. BROOKS: That's not what I said at all. I</p> <p>20 said if the building is not contaminated with</p> <p>21 radioactive materials and it simply has lead-based paint</p> <p>22 and asbestos, then it's like any of the other buildings</p> <p>23 on Parcel A, and it's the responsibility of the City.</p> <p>24 MS. OLIVA: And are you in agreement with that?</p> <p>25 MS. WARREN: Yes. I . . . Sorry.</p> <p style="text-align: right;">Page 165</p>	<p>1 there on Morgan that I'm concerned about contamination</p> <p>2 may have blown over, whichever, when you look at that</p> <p>3 and whose responsibility would be, for instance, in</p> <p>4 terms of cleanup for that.</p> <p>5 MS. WARREN: I'd be -- I'd be happy to answer</p> <p>6 that question.</p> <p>7 It's the City's view that the process that</p> <p>8 requires -- in the agreement that requires regulators to</p> <p>9 a- -- to provide assurance that the parcel is safe for</p> <p>10 the intended uses in the redevelopment plan require</p> <p>11 looking at whether there are any possibilities of</p> <p>12 contamination from adjacent uses.</p> <p>13 So if you had a plume that was migrating onto</p> <p>14 the parcel or, as we had discovered in the case of</p> <p>15 Parcel A, methane on Parcel E that raised concerns about</p> <p>16 whether there was a migration issue, those issues, we</p> <p>17 believe, are appropriate to be addressed at the time</p> <p>18 before the regulators give their assurance that that</p> <p>19 parcel is safe for --</p> <p>20 MS. PENDERGRASS: Mr. Tompkins --</p> <p>21 MR. TOMPKINS: Wait.</p> <p>22 MS. PENDERGRASS: -- one question. Now we're</p> <p>23 going to --</p> <p>24 MR. TOMPKINS: No. I need clarity because I</p> <p>25 don't understand what she meant.</p> <p style="text-align: right;">Page 166</p>
<p>1 Yes, we are in agreement with that.</p> <p>2 The lead paint and asbestos that's in buildings</p> <p>3 are not the responsibility of the Navy under the CERCLA</p> <p>4 process. Those are -- Those have always been</p> <p>5 understood that those materials, if we choose to</p> <p>6 demolish or remove a building, would be something that</p> <p>7 we would need to comply with the applicable laws that</p> <p>8 apply to any property owner.</p> <p>9 MS. PENDERGRASS: Thank you.</p> <p>10 Mr. Tompkins has a question, and then we have a</p> <p>11 question from the audience, and that was all the</p> <p>12 questions.</p> <p>13 MS. ATTENDEE: I have a question.</p> <p>14 MR. BROWN: No. I --</p> <p>15 MS. PENDERGRASS: All rightie, then. We have</p> <p>16 two more questions.</p> <p>17 MR. TOMPKINS: A final report. This is to the</p> <p>18 City.</p> <p>19 In terms of -- Since you have the final say in</p> <p>20 terms of before you accept the property, what about the</p> <p>21 adjacent or possible contamination? Because it's been</p> <p>22 one of our contentions that the Navy all of a sudden</p> <p>23 here is the time in that no contamination possibly could</p> <p>24 ever drift over to the other side.</p> <p>25 As we have property -- My family's right up</p> <p style="text-align: right;">Page 166</p>	<p>1 MS. PENDERGRASS: She was very clear.</p> <p>2 MR. TOMPKINS: Not to me.</p> <p>3 MS. PENDERGRASS: Sir, I'm just going to ask</p> <p>4 this question. I'm getting really exasperated because</p> <p>5 you guys always want to get out of here on time, but you</p> <p>6 keep asking more and more questions that aren't germane</p> <p>7 to what she asked. You asked her a question. She</p> <p>8 answered the question.</p> <p>9 MR. TOMPKINS: No. Report that she did because</p> <p>10 I asked specifically in terms of property that's</p> <p>11 adjacent to the line. As I understood it, she was</p> <p>12 talking about the property for Parcel A.</p> <p>13 But I was concerned about the adjacent property</p> <p>14 to Parcel A. How do you look at that? I didn't get that</p> <p>15 clarity in your response.</p> <p>16 MR. BROWN: Ray --</p> <p>17 MR. TOMPKINS: No --</p> <p>18 MR. BROWN: Ray, the way to clear that up is in</p> <p>19 this motion I'm going to make.</p> <p>20 MR. TOMPKINS: Go.</p> <p>21 MR. BROWN: Okay.</p> <p>22 I like to make the motion that the RAB members</p> <p>23 upon this resolution that was passed out as written, a</p> <p>24 this is our response to the conveyance agreement at this</p> <p>25 time. We would like a environmental review of the whole</p> <p style="text-align: right;">Page 168</p>

1 base, a final site characterization, a EIR. That's what
2 we want.
3 MS. JACKSON: Very good.
4 MR. BROWN: Any --?
5 MR. TOMPKINS: I second it. I second it.
6 MS. PENDERGRASS: Did you put that in the form
7 of a motion or --?
8 MR. BROWN: Yes.
9 MS. PENDERGRASS: Okay.
10 MR. BROWN: Yes.
11 MS. PENDERGRASS: And there's a second on that.
12 Is there more discussion on that, or shall we just call
13 a vote?
14 MR. TOMPKINS: I call for time. I call the
15 question.
16 MS. JACKSON: I like the question --
17 MR. MALOOF: You might not have a quorum.
18 MS. PENDERGRASS: You have to wait just a
19 moment. Actually, you do have a quorum. You still have
20 quorum. You do.
21 MR. TOMPKINS: Okay. Let's call the question.
22 MS. PENDERGRASS: The quest- -- okay.
23 So the RAB members, at this point, the question
24 on the table is -- or the motion on the table --
25 Say it one more time, Mr. Brown.

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1 MR. BROWN: Yeah. The motion on the table is
2 that the RAB members approve this resolution that's
3 written; this is our response to the conveyance
4 agreement upon -- I mean, at this time, we would like a
5 EIR, a final site characterization, of the whole
6 Shipyard. Not only that, we want outside, like
7 emissions, ambionic [phonetic] air, like --
8 MS. PENDERGRASS: And so this is a motion
9 that's directing the City?
10 MR. BROWN: Redevelopment.
11 MS. PENDERGRASS: Okay. So this -- the
12 resolution is going to Redevelopment? That's what
13 you're suggesting?
14 MR. BROWN: Yeah.
15 MS. PENDERGRASS: Okay. So that's been
16 seconded. At this point, I'm going to call the
17 question. All in favor?
18 THE BOARD: Aye.
19 MS. PENDERGRASS: Any opposed?
20 (No verbal response elicited.)
21 MS. PENDERGRASS: Any abstentions to that?
22 MS. PIERCE: I abstain.
23 MS. PENDERGRASS: Okay.
24 MS. PIERCE: I abstain.
25 MR. TOMPKINS: One abstention.

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1 MS. PIERCE: I don't remember what --
2 MS. PENDERGRASS: We have one abstention there.
3 All right. Very fine. That motion will carry
4 and move us forward.
5 In the essence of -- of keeping Miss Warren
6 finished and before we finish, we had a question over
7 here.
8 Yes, sir.
9 MR. DA COSTA: My name is Francisco Da Costa.
10 And in listening to Miss Warren, you didn't mention one
11 word about the first people that exercised their right
12 of first refusal on the Shipyard.
13 It is imperative that -- that the City conducts
14 an archaeological survey. Not one square inch as been
15 archaeologically surveyed.
16 And in reference to Proposition P, which was
17 passed citywide by a very large percentage, nowhere in
18 your discussion have you stated what Mr. Lynne Brown
19 implied a little while ago, the cumulative adverse
20 impact on Hunters Point, which is detriment to any
21 living human being, forget about -- forget about the
22 City not having any money to be an enforcement agency,
23 because the City right now cannot enforce standards
24 outside Hunters Point. And Hunters Point has the worst
25 toxic hot spots.

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1 And may I remind the City --
2 MS. PENDERGRASS: Mr. Da Costa --
3 MR. DA COSTA: -- that it has a liability --
4 MS. PENDERGRASS: -- point?
5 MR. DA COSTA: -- because Hunters Point is a
6 Superfund site.
7 Thank you very much.
8 MS. PENDERGRASS: Thank you.
9 MS. JACKSON: Excuse me.
10 MS. PENDERGRASS: Okay. Just one moment. Just
11 one moment.
12 I -- There was another question over here.
13 Did you have a question, Mr. Brown?
14 MR. BROWN: No.
15 MS. PENDERGRASS: Was it you that had a
16 question?
17 MR. BROWN: No.
18 MS. PENDERGRASS: Is there another question
19 here that is not from a person who has not asked a
20 question from the RAB?
21 And then we will go to you, Miss Jackson.
22 MR. CAMPBELL: I wanted to remind Elaine
23 that -- about Parcel C and D. Would you clarify that,
24 please?
25 MS. WARREN: Yes.

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<p>1 I -- Maurice reminded me of that, tried to 2 race through my presentation. 3 I didn't mention that one of the important 4 provisions of the agreement related to Parcel C and D is 5 that the Navy's required to use its best good-faith 6 efforts to reach the cleanup standards. 7 The Navy was very concerned that these cleanup 8 standards that we had were going to be too difficult for 9 it to reach. And we were concerned and so -- that they 10 wouldn't try hard enough. 11 And so we reached agreement that they would use 12 best good-faith efforts to meet those standards and that 13 that is defined as spending up to, if necessary, 14 \$120 million on Parcel C and D from the time that we 15 enter into the agreement. 16 So the clock is running. But it's up to 17 120 million to get Parcel C and D cleaned up. 18 DR. SUMCHAI: So you're saying you're going to 19 put a cap on spending and allow -- 20 MS. WARREN: No. We're saying -- 21 DR. SUMCHAI: -- Prop P and health-base risk 22 standards. That's what you said. 23 MS. WARREN: We're saying that they have not 24 satisfied that -- they have not satisfied us. 25 MS. JACKSON: Who's "they"?</p> <p>Page 173</p>	<p>1 I can hear me. 2 You know, there was other portions of the 3 Shipyard, and only thing I'm hearing you all talk ab 4 is "A," "B," and "C." 5 I like to know, what are you going to do about 6 Mariner Village or the toxicity that's over there and 7 the people that are sick and dying and right here on top 8 of this hill where the Navy used to live, the housing 9 here? 10 I'd like to know whether there would be a EIR 11 done there. I think you should -- it will be 12 unspeakable not to see an EIR done in those areas. 13 Thank you. 14 MS. PENDERGRASS: All right. Karen, you'll be 15 the last comment, and then we're ready to adjourn. 16 MS. PIERCE: I just want to correct the record. 17 Mr. Brown has -- Mr. Brown showed me the document he 18 was referring to, and I want to change my abstention to 19 voting in favor of his motion. 20 MS. PENDERGRASS: Absolutely. All right. 21 And Mr. Capobres, you had one more comment so 22 we can close this meeting, please? 23 MR. CAPOBRES: Thank you. I want to thank 24 Elaine for the presentation. 25 On behalf of the Redevelopment Agency and the</p> <p>Page 1</p>
<p>1 MS. WARREN: They, the Navy, has not satisfied 2 us that they have used their best efforts to achieve 3 those standards. They can't come back to us and say "We 4 just can't do it" until they have spent at least 5 \$120 million. 6 DR. SUMCHAI: And then you will accept the 7 property dirty and then -- 8 MS. WARREN: No. We know -- If they can't 9 achieve the standards, we have no obligation to accept 10 the property. 11 DR. SUMCHAI: So what is the outcome of the 12 deal? I mean, I don't understand what the outcome is. 13 MS. WARREN: If they can't achieve the 14 standards and we don't accept the property, there 15 just -- you know, we will have to go back and 16 renegotiate presumably at that point. 17 But we actually feel that \$120 million is a 18 substantial amount of money, given that it was our view 19 that that was in excess based on analyses that we had 20 done. We felt that that was a gen- -- that gave us a 21 generous cushion in getting those two parcels cleaned 22 up. 23 MS. PENDERGRASS: Okay. Miss Jackson? 24 MS. JACKSON: Yeah. With the motion that was 25 passed, I had some -- I talk loud anyway and everybody</p> <p>Page 174</p>	<p>1 City, I think -- there's an important meeting coming up 2 regarding the conveyance agreement. The Navy has signed 3 it. But we do have to go to our commission for 4 authorization of the conveyance agreement. 5 And I know there was an article in the paper I 6 think today that identified Tuesday, April 27th, as the 7 meeting, but I wanted to correct that. 8 It is in fact on Thursday, April 29th, one week 9 from tonight, that the commission will be taking action 10 on the conveyance agreement based on recommendations by 11 the CAC. Mr. Campbell sits on the CAC also. 12 This meeting will be a single-agenda-item 13 meeting, which is the only item that the commission will 14 be addressing on Thursday, the 29th; and it is out here 15 in the Bayview at the Ruth Williams Memorial Theatre, or 16 the Bayview Opera House -- I think it's also called the 17 Bayview Opera House -- at 6 o'clock, and that's next 18 Thursday. So it's a very important meeting. 19 MS. PENDERGRASS: Thank you. 20 And I want to remind you all about the co-chair 21 nominations for next meeting. 22 And thank you, Miss Warren -- 23 MS. MOORE: A question. 24 MS. PENDERGRASS: -- and thank you, 25 Dr. Sumchai, for your presentations tonight.</p> <p>Page 176</p>

1 MS. MOORE: You got a question here.
2 MS. PENDERGRASS: Do we have a motion to
3 adjourn?
4 MS. PIERCE: So moved.
5 MS. JACKSON: I have a question for you here.
6 You know, I have a concern here. And I spoke before the
7 Board of Supervisors. When this body was set up in '91,
8 it was to deal with the fact that they would make a
9 decision when this property would be transferred. I am
10 appalled of that, that you are saying CAC is making the
11 decision that this body is supposed to make.
12 MS. FRANKLIN: That's right.
13 MS. PENDERGRASS: Thank you for your comment.
14 We are adjourned.
15 (Off record at 9:19 p.m., 4/22/04.)
16 ---oOo---

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CERTIFICATE OF REPORTER

I, CHRISTINE M. NICCOLI, Certified Shorthand
Reporter of the State of California, do hereby certify
that the foregoing meeting was reported by me
stenographically to the best of my ability at the time
and place aforementioned.

IN WITNESS WHEREOF I have hereunto set my hand
this 24th day of May, 2004


CHRISTINE M. NICCOLI, C.S.R. NO. 4569

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PRESENTATION BY
DR. AHIMSA SUMCHAI

"Due to the presence of hazardous materials....the Hunters Point property was placed on the Nation Priorities List in 1989 as a Federal Superfund site pursuant to CERCLA as amended by SARA."

Parcel A Remedial Investigation Report, September 22, 1995, Pages 2-6.

Parcel A is not suitable for transfer!!

1. The overall ECP classification of seven of the fifteen Parcel A subparcels is 4 to 7!
2. The Parcel A SI-50 storm drain and sanitary sewer systems were not investigated for radionuclides and per the Draft Final HRA must be included in the scoping and characterization surveys of the storm drain lines Basewide Impacted Areas. (Section 8 8.3.6.1)
3. "Black beauty" sandblast grit discovered at IR-59 JAI at two sits was not analyzed for radium 226 or plutonium fission products. IR-59 JAI is therefore by history a MARSSIM Class I impacted area.
4. The Parcel A FOST must be expanded to address the imminent risk to human life, the environment and property posed by four consecutive years of documented fires in the Parcel A, B, D and E regions of HPS.
5. The Conveyance Agreements stipulate that health based cleanup goals be met at Parcel A; specifically:
 - a. A Hazard Index less than 1!
 - b. An excess lifetime cancer risk for carcinogens of between 10^{-4} and 10^{-6} or less!

IR-59 JAI Residential Scenario – Table L-5 Parcel A RI Report

HI Soil	3
HI Homegrown Produce	9
Total HI	11.9

TOTAL CARCINOGENIC RISK

2×10^{-3}

(Two in one thousand!)
at Parcel A
IR-59 JAI

PARCEL A ROD AND RELATED DOCUMENTS

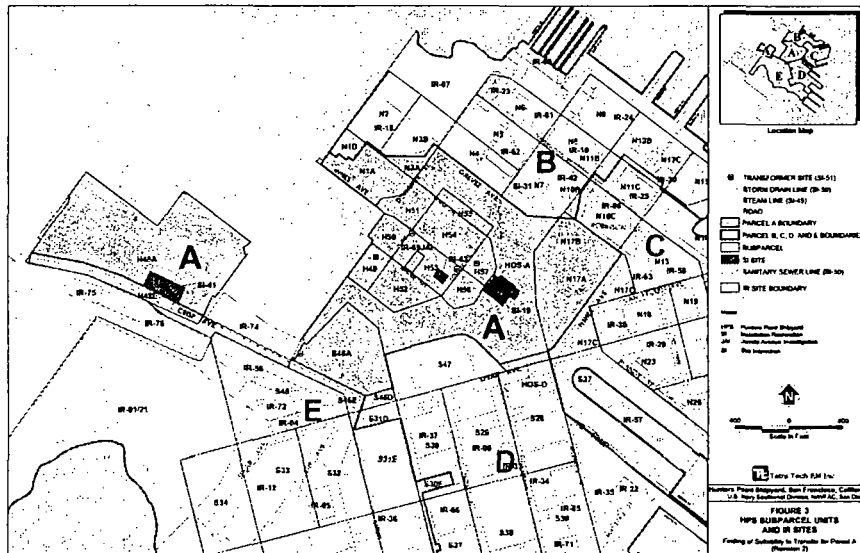
Medical and Legal Implications of the
Proposed Transfer

Presented by: Dr. Ahimsa Sumchai

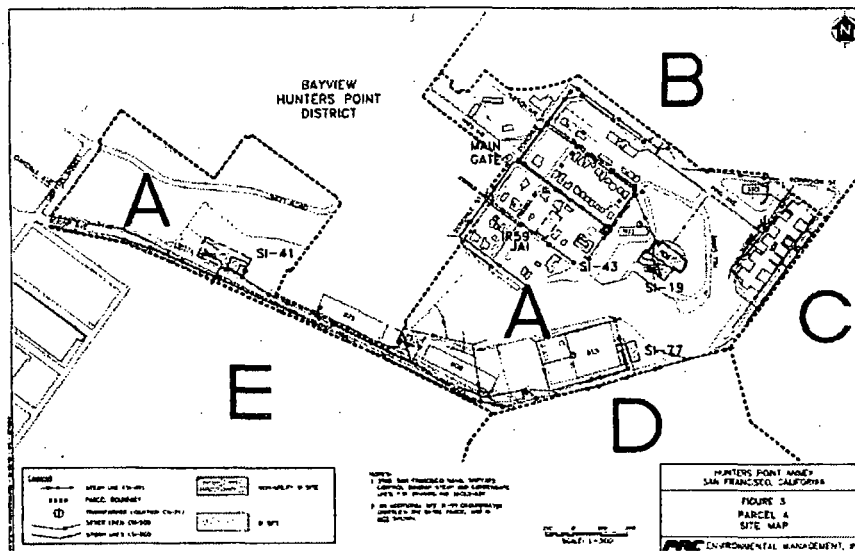
Description of Selected Action for Parcel A

- The Navy has proposed **NO ACTION** for the selected remedy of Parcel A
- “In selecting no action for the RI sites, the Navy has determined that the overall condition of Parcel A is protective of human health and the environment” (Parcel A ROD 1996)

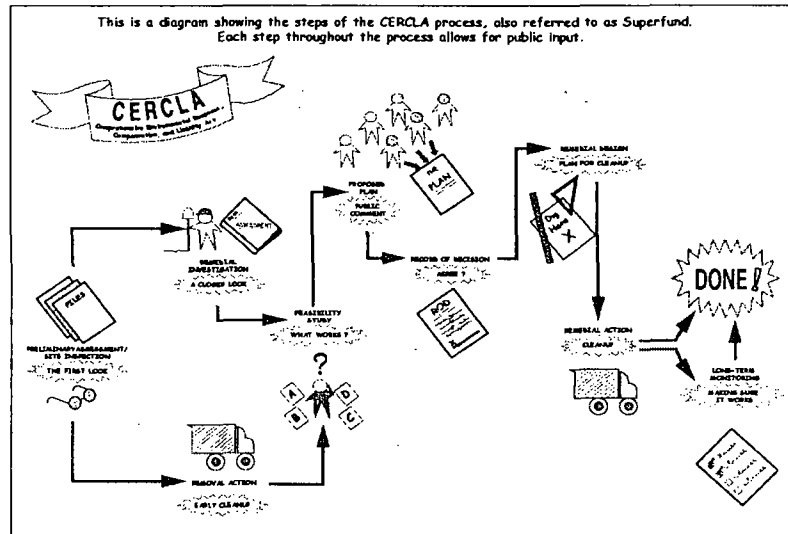
HPS Subparcel and IR Sites



Parcel A Site Map



The CERCLA Process



Hunters Point Ambient Metal Levels (Parcel A HHRA)

- | | |
|-------------|--------------|
| ❖ Antimony | ❖ Lead |
| ❖ Arsenic | ❖ Mercury |
| ❖ Barium | ❖ Molybdenum |
| ❖ Beryllium | ❖ Nickel |
| ❖ Cadmium | ❖ Selenium |
| ❖ Chromium | ❖ Silver |
| ❖ Cobalt | ❖ Thallium |
| ❖ Copper | ❖ Vanadium |
| | ❖ Zinc |

Hunters Point Ambient Metal Levels (HPALs) Parcel A HHRA Findings

“Although HPALs have been developed, the actual values have not been agreed upon by EPA, Cal/EPA, and Regional Water Quality Control Board. From discussions held on August 24, 1995, specific HPALs of concern were for Antimony, Cadmium, Mercury, and Selenium.” (PRC 1995b)

Residential Scenario for IR-59 JAI

- Child and adult residents may be exposed to chemicals detected at IR-59 JAI through direct soil exposure and ingestion of home grown produce
- The total HI for child residents at IR-59 JAI is 12
- This hazard is primarily due to exposure to nickel, chromium, and manganese
- Nickel and chromium were retained as COPCs because their maximum detected value exceeded their HPALs
- The total carcinogenic risk from potential exposures through direct soil exposure and ingestion of home grown produce is 2×10^{-3}

Groundwater Analytic Results IR-59

TABLE 2 SUMMARY OF GROUNDWATER ANALYTICAL RESULTS*, IR-59 GROUNDWATER INVESTIGATION PARCEL A, HUNTERS POINT ANNEX

Detected Analyte	PRG ^b	Maximum Detected Concentration
SVOCs		
2-Methylnaphthalene	NE ^c	42
Naphthalene	240	12
o-Nitroaniline	14	12
TPHs		
TPH as motor oil	NE	600
Metals		
Aluminum	37,000	216 ^d
Antimony	15	2.1 ^e
Arsenic	0.038	3.1 ^e , 3.8 ^e
Barium	2,600	440 ^e , 449 ^e
Calcium	NE	44,700 ^e , 45,300 ^e
Magnesium	NE	38,600 ^e , 39,300 ^e
Manganese	180	28.4 ^e , 19.9 ^e
Molybdenum	180	12.4 ^e , 14.3 ^e
Nickel	730	2.3 ^e
Potassium	NE	7,310 ^e , 7,440 ^e
Sodium	NE	82,048 ^e , 83,400 ^e
Vanadium	260	3.0 ^e , 2.8 ^e

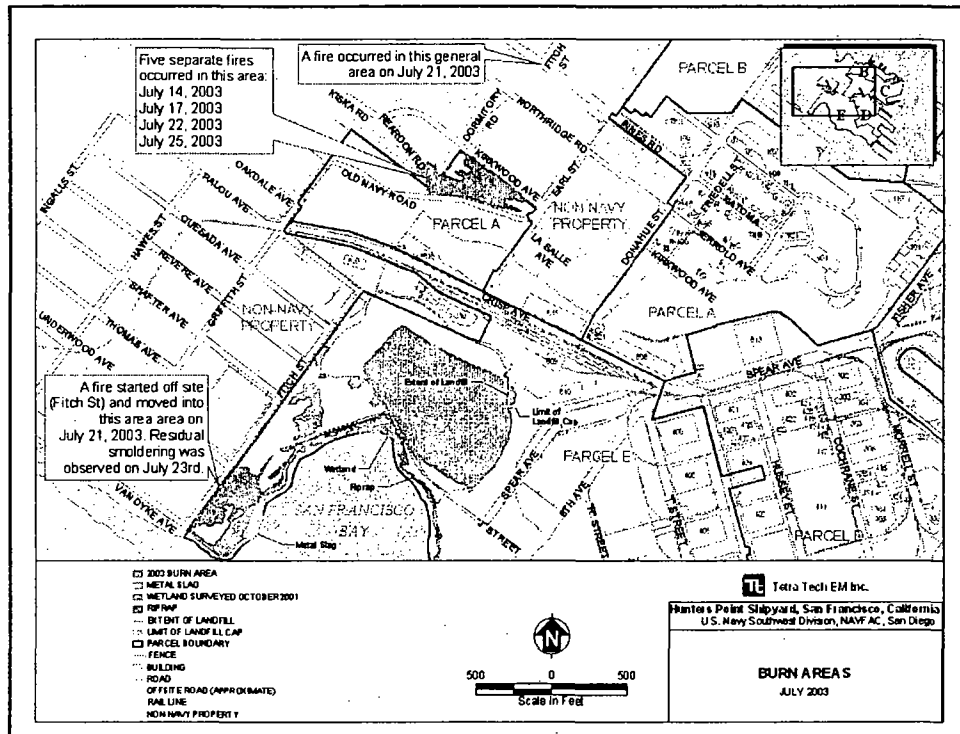
Notes:
 * Concentrations in micrograms per liter
 * EPA Region IX PRGs (EPA Feb 1995a)
 * NE = Not established
 * Unfiltered samples
 * Filtered samples

Soil Analytic Results IR-59 JAI

TABLE 5 SUMMARY OF SOIL ANALYTICAL RESULTS FOR METALS AFTER INVESTIGATION BY EXCAVATION AT IR-59 JAI^a PARCEL A, HUNTERS POINT ANNEX

Detected Analyte	Detected Concentration Range	PRG ^b	Detection Frequency Above PRG ^c	HPAL ^d	Detection Frequency Above HPAL ^e
Antimony	0.98 - 10.7	31	0 of 41	9.05	1 of 41
Arsenic	0.43 - 8.1	0.32	40 of 41	11.3	0 of 41
Barium	54.1 - 810	5,300	0 of 41	314.36	1 of 41
Beryllium	0.24 - 0.56	0.14	36 of 41	0.71	0 of 41
Chromium (not specified)	42.4 - 1,790	210 ^f	19 of 41	82 - 1,238	1 of 41
Cobalt	10 - 173	NE ^g	NE	17 - 129	1 of 41
Copper	6.2 - 609	2,800	0 of 41	124.31	1 of 41
Lead	3.7 - 101	400 (130) ^h	0 of 41	8.99	20 of 41
Manganese	286 - 1,075	380	35 of 41	NE	NE
Nickel	41.7 - 2,928	1,500 (150) ^h	1 of 41	71 - 3,061	0 of 41
Zinc	25.2 - 423	23,000	0 of 41	109.86	9 of 41

Notes:
 * Concentrations in milligrams per kilogram
 * EPA Region IX PRGs (EPA Feb 1995a)
 * Only samples of soil in which metals were detected after investigation by excavation are listed.
 * Hunters Point Annex ambient level (PRC 1995a)
 * EPA Region IX PRG for total chromium
 * NE = Not established
 * Col-modified PRGs (EPA 1995a)



**“The highest function of
 science is the
 understanding of
 consequences”**

DUNE

Frank Herbert

Parcel A ROD and Related Documents

- ❖ Summary
- ❖ Conclusion
- ❖ Discussion



San Francisco Redevelopment Commission
Special Meeting in Our Community
on the

**Hunters Point Shipyard
Conveyance Agreement**

Thursday, April 29, 2004
6 p.m.

Ruth Williams Memorial Theatre
Bayview Opera House
4705 3rd Street
San Francisco, CA 94124

To: Commissioner Romero - President
San Francisco Redevelopment Agency Commission

Dear Commissioner Romero,

Whereas;

On behalf of the Bay View Hunters Point Restoration Advisory Board (BVHP RAB), we request the San Francisco Redevelopment Agency (SFRA) continue the matter of your Agency's approval, on April 1, 2004, of the "conveyance agreement" (CA) between the US Navy and the City and County of San Francisco (CCSF) for the Hunters Point Shipyard, for at least sixty days, but at least until such time as SFRA, as the California Environmental Quality Act (CEQA; Public Resources Code § 21000 *et seq.*) "lead agency" completes its environmental review of both the CA and the Lennar/BVHP Disposition Development Agreement (DDA), executed on December 2, 2003, by the SFRA.¹ Both the CA and DDA are "projects" within the meaning of CEQA.

The purpose of the Restoration Advisory Board (RAB) is to review, comment, and make recommendations to the Base Realignment and Closure (BRAC) Cleanup Team (BCT) on matters pertaining to the restoration and environmental cleanup of Hunters Point Naval Shipyard. In addition, the RAB should act as a forum for information exchange between the installation, affected community, Department of Defense (DOD), reuse groups, and regulatory agencies such as the SFRA.

**Request for Continuance of "Conveyance Agreement"
Pending Environmental Review**

The CCSF Redevelopment Commission took discretionary action on December 2, 2003, by approving the DDA for the development of the Hunters

¹ If you disagree with this CEQA characterization, please advise us immediately, and please provide the legal authority on which you are relying. If you don't advise us that you disagree, we will assume that you agree and will rely on that agreement in taking

Point Shipyard. Additionally, by and through Mayor Gavin Newsom, CCSF took what is clearly discretionary action by approving (*i.e.*, entering into) the CA with the U.S. Navy. The CA sets a specific timetable for giving CCSF a portion of the Hunters Point Shipyard for residential development (herein referred to as Parcel A), as well as giving commercial development rights to Lennar/BVHP, a private, non-governmental organization.

To our knowledge (and please advise us immediately if and how we are wrong), neither of the discretionary actions involving the CA and DDA previously described has been subjected to public review or comment, nor have these actions been subjected to environmental review as required by CEQA for such projects.

On November 7, 2000, CCSF voters passed, with 87% approval, Proposition P calling upon the US Navy to remediate the Hunters Point Naval Shipyard to the highest levels practical to assure the flexible reuse of the property. The Navy is required under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 *et seq.*, and its implementing regulations, 40 CFR Parts 300–311, to take community acceptance into account in its cleanup decisions. On July 30, 2001, CCSF's Board of Supervisors (the Board) passed unanimously a resolution implementing the will of the voters as expressed by Proposition P. The Board's vote confirmed as the policy of CCSF that the Navy should clean the Hunters Point Naval Shipyard of toxic and hazardous pollution to the highest practical level. Since the voters empowered the Board to enforce Proposition P, and the Board then proceeded to do so, the Board clearly has a duty to also vote on the CA.

Both the CA and the DDA must be subjected to all applicable government approvals including all required environmental reviews under both CEQA and its federal counterpart, the National Environmental Policy Act (NEPA). There are a number of additional governmental approvals that must be obtained prior to the

further action.

development allowed by the CA and DDA, including General Plan amendment(s) and redevelopment area mergers. There are also legal mandates for a subsequent or supplemental² environmental analysis to augment the study done in 1999, which provides no complete or adequate environmental analysis of the impacts associated with the development envisioned and allowed by the CA and DDA. The impacts that are being ignored pose imminent threats of grave if not fatal harm to human life and safety, as well as the environment.

The impacts and their potentially grave harm must be analyzed by considering the pertinent documentation from the Navy and the Hunters Point and San Francisco Fire Departments, particularly in regard to the residential development being planned for Parcel A under the CA and DDA. It is common knowledge that this area has been the site of a series of fires during the summer months of the years 2003, 2002, 2001 and 2000. The ignition of these fires was fueled by flammable, explosive chemicals whose presence is documented in the Parcel A Record of Decision and include petroleum products, pesticides, volatile organic compounds in the air and soil, and gaseous emissions from the partially capped industrial landfill on Parcel E, which is immediately adjacent to Parcel A.³

The US Navy and Tetra Tech Em, Inc., have provided documentation that five separate fires occurred in upland Parcel A between July and August of 2003 at the exact site where the Lennar/BVHP developers propose to begin the demolition and deconstruction of existing Parcel A buildings in time for CCSF/SFRA proposed construction of 1600 homes this summer.

² See Attachment A September 19, 2003 letter from Eve Bach, Staff Economist/Planner, Arc Ecology, to Ms. Joy Navarrette, Environmental Review Planning Department asking for a supplemental EIR/EIS on the DDA and CA.

³ Information on these vital subjects is readily available, and we respectfully request that to the extent it hasn't been done yet, a full investigation be conducted prior to any further discretionary action involving the CA and DDA. If such an investigation has been done or commenced, please consider this our request under the California Public Records Act for an opportunity to inspect all writings in your possession concerning such an investigation.

As a further example of matters that must be fully investigated and analyzed to adequately protect human health and safety as well as the environment, Hunters Point Fire District Run report #45, dated September 11, 2001, documents that at 3:15 p.m. that day both SFFD and HPFD were dispatched to Crisp Avenue near Parcel A where they encountered "fire moving at a rapid speed with flames 15 to 25 feet high". The fire was observed moving towards the parking lot area of Building 815 in the Parcel A region of the Shipyard. According to the email alert sent by the Navy under the Community Notification Plan "family dwellings above the fire were threatened. After deployment of several hundred feet of hose and equipment, the fire was extinguished at 5pm". HPFD was reactivated to the Building 815 site to extinguish hot spots over the next two days as verified in fire run reports #56 and #47. A total of seven fires were responded to in September of 2001. All occurred in the Parcel A and B regions of the Shipyard.

Further CEQA/NEPA analysis is legally required for the proposed development of Parcel A given the additional facts that:

1. Parcel A has undergone boundary changes as documented in the Parcel A FOST Revision 2 dated August 26, 2002, to include sub parcels N-13a and N-18A. Additionally, in the Draft final FOST dated March 19, 2004, Parcel A boundaries were revised to exclude radiation-impacted buildings 813 and 819 situated along Spear Avenue. A NEPA compliant EPA risk assessment protecting human health is, therefore, a requirement (morally as well as legally).
2. On August 16, 2000 the Parcel E landfill, adjacent to Parcel A, was the site of a fire that burned for 6 hours. Several areas estimated to be less than five acres continued to burn for several weeks according to the ATSDR Consultation Summary. The Parcel E landfill has been classified by ATSDR as a Completed Exposure Pathway, meaning that in assessment of risk to nearby residents, it could be shown that "exposure

to contaminants could have occurred in the past, is occurring or will occur in the future.

3. An August 2002 landfill gas survey detected flammable, explosive methane gas emanating from the Parcel E landfill within 100 feet of Parcel A in concentrations exceeding 80% in air. This represents a violation of state law mandating that methane gas concentrations be less than 5% in air. A recent decision by the California Integrated Waste Management Board forbids construction within 1000 feet of the detection of methane gas. The Navy publicly acknowledges in the Draft Final FOST that it was required to use active extraction to remove subsurface methane gas from beneath laboratories and kennels operated by the University of California at San Francisco at the boundary of Parcel E and A in January of 2004.
4. The Draft Final Historical Radiological Assessment, released on February 25, 2004, documents Parcel A to be the site of five MARSSIM Class 1 Radiation impacted/contaminated buildings including buildings 816, 821, 813, 819 and FUDs site 815. Parcel A covers approximately 75 acres and is the site of 61 buildings and 43 foundations according to the 1995-ROD. The Navy conducted investigations on nine Parcel A sites only. Additionally, radiation impacted buildings on Parcel A have been cleared for unrestricted use by an outdated cleanup standard that is well below the EPA recommended level and is currently being challenged in California Superior court.
5. Parcel A buildings and foundations have been determined to contain lead and asbestos. Deconstruction of these structures during development may lead to the release of these toxins into surrounding air and soil, thus producing pathways for exposure for future Parcel A residents.
6. Proposition P, which contains a Declaration of Policy, passed by a landslide 87% of the CCSF electorate after the November 7, 2000 municipal election. Proposition P states, in pertinent part: "[T]he National

Contingency Plan, the regulation governing cleanup of a toxic site, established community acceptance as one of its nine principal criteria. The Bayview Hunters Point community wants HPS cleaned to a level enabling the unrestricted use of the property- the highest standard for cleanup established by the U.S. environmental Protection Agency." Proposition P was ratified by the CCSF Board of Supervisors on July 30, 2001, and signed by the Mayor on August 10, 2001.

7. The Memorandum of Agreement between the City of San Francisco and the Navy, signed on November 2, 2000, stipulates that cleanup of Parcel A and the remaining five shipyard land parcels adhere to strict health based preliminary remediation goals to provide total estimates of carcinogenic and noncarcinogenic health hazards under the residential scenario. The Parcel A Human Health Risk Assessment Report (HHRA) assesses the probability and magnitude of potential harm to human health from exposure to threaten and actual releases of hazardous substances on Parcel A sites. The HHRA and supporting documents do not support the Navy's contention that the nine sites explored on Parcel A pose no threat to human health or the environment. The Navy reports hazard indices up to 36 times greater than health protective standards for children exposed to soil on Parcel A under a residential scenario; soil lead contamination above California preliminary remediation goals; hazard indices 100 times greater than health protective standards for vegetable consumption at numerous Parcel A sites; and an exceedingly high cancer risk of 2×10^{-3} at the major IR site investigated. Studies conducted by the San Francisco Department of Public Health in 1995 and 1997 identify a high incidence and mortality from cancer among BVHP residents. The scientific documentation by the Navy of hazard indices and cancer risks above health protective standards on Parcel A is in violation of multiple federal, state and local laws and regulations in addition to violating the terms of the original Conveyance Agreement signed by Mayor Willie

Brown on November 2, 2000. These laws and regulations include the CERCLA act of 1980 as amended by the SARA act of 1986, NEPA, CEQA and Proposition P.

Executive Order 12898, 59 Fed. Reg. 7629 (1994), Section 1-101, requires that each federal agency, including the US Navy and US EPA, make achieving "Environmental Justice" part of its mission by identifying and addressing any disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations. The BVHP neighborhood is a predominately African-American community of color that is disproportionately impacted by existing environmental hazards and has a disproportionately high number of families with household incomes below the poverty level compared to the CCSF as a whole.

Title VI of the Civil Rights Act of 1964 requires CCSF, and the SFRA, in coordination with the California Environmental Protection Agency, Department of Toxic Substances Control, to identify and address any disproportionately high human health, socioeconomic, or environmental impacts of their programs, policies, and actions on minority or low-income populations. CEQA is primarily a public disclosure statutory scheme allowing the affected community to be informed and members of the public to voice their opinion, and to have input, about projects that may affect their environment. CEQA requires a review of the environmental impacts of overall activities ("the whole of an action" -- 14 Cal. Code Regs. § 15378(a)) defined as "projects." (Pub. Res. Code § 21065.) This strong, broad right of public participation under CEQA has a political component (*i.e.*, CEQA allows the compilation of a record concerning the approval of development projects that can be used by the public to vote environmentally insensitive decision makers out of office come election day), the violation or deprivation of which has constitutional ramifications on an affected community as well as the public at large.

In mandating separate Disposition Development Agreements and "conveyance agreements" for the development of the shipyard (Parcels A- E), SFRA as the lead agency under CEQA, is "piecemealing" the overall activity. CEQA strongly forbids this kind of "chopping up [of] a proposed project into bite-size pieces which, individually considered, might be found to have no significance on the environment." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 716, citing *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171, 1172; see also *Bozung v. LAFCO* (1975) 13 Cal.3d at 283-284; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309.)

CEQA provides that a proposed project may have a significant effect on the environment when the possible effects on the environment are individually limited but "cumulatively considerable." (Pub. Res. Code § 21083(b); 13 Cal. Code Regs. § 15065. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (14 Cal. Code Regs. § 15065.) In addition to analyzing the direct impacts of a project, the CEQA Lead Agency must also consider a project's potentially significant cumulative impacts.

Recent statutory law has invigorated CEQA's role in ensuring **"the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" (i.e., environmental justice).**" (Emphasis added; see SB 115, Solis; Stats. 99, ch. 690, Gov. Code § 65040.12 and Pub. Res. Code §§ 72000-720001.)

In conjunction with the regulatory provisions of the federal Clean Air Act and Division 26 of the Health and Safety Code,⁴ CEQA provides an ideal

⁴ 42 U.S.C. § 7401 *et seq.* (Public Law 88-206, 77 Stat. 392, December 17, 1963, as last amended by the Clean Air Act Amendments of 1990, P. L. 101-549, November 15, 1990); Health & Saf. Code § section 39000 *et seq.*

mechanism for ensuring that Environmental Justice will be addressed in all activities and projects that may have a significant effect on the environment.

CEQA requires that environmental documents (*i.e.*, an environmental impact report (EIR) or a negative declaration) be prepared whenever a public agency proposes to undertake a discretionary activity (which is defined extremely broadly as the "whole of an action" being engaged in) that may have a significant effect on the environment. (See Pub. Res. Code §§ 21002.1, 21061, 21064, and 21080.1; *see also* 14 Cal. Code Regs. §15002.)

In enacting CEQA, the Legislature expressly declared a number of important policies with which activities and documentation must be consistent, and which must be complied with and enforced, including:

"It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, ***shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.***" (Pub. Res. Code § 21000(g) (emphasis added).)

It is California policy to "[d]evelop and maintain a high-quality environment now and in the future, and ***take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.***" (Pub. Res. Code § 21001(a) (emphasis added).)

It is the policy of this state to require that public agencies "[t]ake all action necessary to ***provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.***" (Pub. Res. Code § 21001(b) (emphasis added).)

State policy calls for ensuring "that the long-term protection of the environment, consistent with ***the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.***" (Pub. Res. Code § 21001(d) (emphasis added).)

State policy requires "governmental agencies at all levels to ***develop standards and procedures necessary to protect environmental quality***" (Pub. Res. Code § 21001(f) (emphasis added).)

California policy requires "governmental agencies at all levels to ***consider qualitative factors as well as economic and technical factors and long-term benefits and costs ...***" (Pub. Res. Code § 21001(g) (emphasis added).)

"The interrelationship of policies and practices in the management of natural resources and waste disposal requires ***systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.***" (Pub. Res. Code § 21000(f).)

"Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." (Pub. Res. Code § 21000(e).)

The recent enactment of Public Resources Code sections 71110 through 71115, and Government Code section 65040.12, in conjunction with other statutory and regulatory requirements, such as the Bay Area Air Quality Management District State Implementation Plan, and EPA regulations, require the SFRA, as well as other agencies, to infuse **Environmental Justice** into every aspect of decisionmaking. This panoply of statutory authority supplements the general authority to "do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon [a public agency] ..." (Health & Saf. Code § 39600.) Further, the rules, regulations, and standards that the SFRA and other agencies adopt must be "consistent with the state goal of providing a decent home and suitable living environment for every Californian"⁵ (*Id.* § 39601(c).)

Therefore the two agreements, the CA and DDA, and all associated activities constituting the "whole of an action" being carried out by the public agencies involved capable of having an adverse environmental impact (14 Cal. Code Regs. § 15378(a); see *also* Pub. Res. Code § 21065), must be subjected to environmental review pursuant to CEQA to ensure

that all the project's adverse, potentially significant impacts on the Bayview Hunters Point community, as well as the entire region in which the project is located, are fully and fairly investigated, identified, analyzed, evaluated and, perhaps most importantly of all, mitigated -- while also ensuring that project alternatives capable of avoiding or reducing the impacts are considered and, if feasible, adopted.

Therefore be it resolved that;

For good cause shown, the Bay View Hunters Point Restoration Advisory Board respectfully requests the San Francisco Redevelopment Agency (SFRA) grant its request and continue the matter of your Agency's approval of the "conveyance agreement" between the US Navy and the City and County of San Francisco for the Hunters Point Shipyard, for at least sixty days, but until such time as the SFRA as the lead agency under the California Environmental Quality Act completes its environmental review on its proposed project, including the April 1, 2004 conveyance agreement and the Lennar/BVHP Disposition Development Agreement executed December 2, 2003 by the SFRA.

Vote	Ayes	Nays	Abstentions
	_____	_____	_____

⁵ This overlapping of statutory goals and requirements (*see* Pub. Res. Code § 21000(g), quoted above) is typical among statutory schemes aimed at protecting the public health.

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September 19, 2003

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BY FAX: 415 558 5991
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RE: Hunters Point Shipyard 2003.0241E
Comments on the Notification of Project Receiving Environmental Review

Dear Ms. Navarrette:

Thank you for providing the opportunity to comment on this project. We have commented extensively on all environmental review documents to date concerning Hunters Point Shipyard, both on our own behalf, and on behalf of community alliances in which we participate. We have prepared the attached comments to express our views on the additional environmental review that you are considering, and also the concerns of the Community First Coalition. The Community First Coalition includes organizations and individuals in Bayview-Hunters Point who are actively concerned about environmental degradation affecting residents of this highly polluted neighborhood.

As you will read in our comments, we are troubled that we lack some of the information we need to provide a comprehensive set of comments. Since much of the information about the draft DDA is unavailable to the public, we are uncertain whether the provisions of that document would generate additional impacts that are not adequately addressed by the February 2000 EIR for the Reuse and the Redevelopment Plans. We will contact you when all of the information is before us if we identify additional issues.

Please contact us if we can be of assistance.

Yours truly,

Eve Bach
Staff Economist/Planner

Cc: Maurice Campbell, CFC
Attachment: Comments

COMMENTS OF NOTIFICATION OF PROJECT RECEIVING ENVIRONMENTAL REVIEW – HUNTERS POINT SHIPYARD, PHASE I

The Notification of Project Receiving Environmental Review (“Notification”) states that additional environmental review is needed because the Shipyard development program that the Redevelopment Agency is currently considering differs from development program in the the Reuse Plan and the Redevelopment Plan analyzed in the February 2000 FEIR.

Questions about the Definition of the Project

However the Notification is vague about the nature of those differences, except for the revisions to the phasing of non-residential development and location of some of the planned housing. The Notification is also unclear what actions would be covered by this round of environmental review. Based on the Project Title in the Notification – “Hunters Point Shipyard Phase I,” we can infer that approval of the Disposition and Development Agreement (DDA) is one such action, but we cannot know if others are planned in addition.

Our review of the draft DDA is to date incomplete since the entire document is not yet available to the public. Our review of other sections has necessarily been cursory due to the short amount of time other sections have been available. Therefore our comments on the Notification are not comprehensive, but we are submitting them to meet the City’s deadline.

Supplementary EIR is needed.

Even if the changes to the development program were limited to the phasing revisions and relocation of housing units, a supplementary EIR would be needed. Although the total amount of Phase I development will be less than previously projected, the changes to the mix of uses could potentially make the main transportation mitigations – a TSM Program – unworkable.

Other, more extensive changes to the Phase I development program that are described in DDA sections we have reviewed so far present an even more compelling case for a Supplemental EIR. The new roadway system in particular will induce growth with serious, possibly unmitigable cumulative impacts.

Question about Status of the Conceptual Framework (Term Sheet for the DDA)

Since the City is in the process of determining whether the development proposed by Lennar’s Phase I development requires additional environmental review, should the Redevelopment Agency’s approval of the Conceptual Framework be considered an irreversible step in the process?

Questions about Status of FEIR

In addition to our questions about the nature of the project under review, we are also uncertain about the current status of the February FEIR certified by the Redevelopment and the Planning Commissions when they approved the Shipyard Redevelopment Plan. It is our understanding that the Board of Supervisors approved the Shipyard Redevelopment Plan *prior to certification* of the EIR, pursuant to special provisions of Community Redevelopment Law (Public Resources Code §33492.18). It is unclear whether the BOS subsequently considered the EIR after certification to comply with §31.17 (b) of San Francisco Administrative Code which normally would have required such consideration prior to the approval action..

In this context, we also have questions about the effect of additional rounds of environmental review on the validity of the EIS. Will the Navy still be able to convey property based on their environmental review of a development program that has undergone changes resulting in additional environmental impacts?

Question about the Adequacy of the Notification

Zoning

The Project Description indicates that the Shipyard is zoned P (Public) and RM-1 (Residential Mixed, Low Density). However San Francisco zoning maps available on the Internet omit the Shipyard suggesting that zoning of these areas is not currently designated.

Misleading Comparison

The comparison of the Revised Project is confusing and uninformative. Although it correctly states that the new Phase I would include the same number of housing units as the Reuse and the Redevelopment Plans, it fails to point out that it would also increase the amount of R&D/office space from 65,000 sf to 220,000 sf. Although the Project Description observes that non-residential uses would be reduced by 2/3, it needs to point out that this reduction would be achieved by eliminating *all* industrial and maritime industrial development from Phase I.

We believe the City should be clear that revisions to the Reuse Plan that the community's job-creating strategy that prioritized light industrial development has almost completely vanished from Phase I. Although some of the impacts of this change are economic and social, the changed mix of uses will affect travel-to-work patterns and other environmental factors.

Unclear Description of Changes to Infrastructure

The Project Description states "The Phase I development program would include new infrastructure, such as new storm water, wastewater, natural gas and electricity distribution systems, and new telecommunication systems. Roads are proposed to be improved and new streets and transit facilities are proposed."

This description does not distinguish between infrastructure that was previously included in Phase I and revisions to the infrastructure plan for the new Phase I development. Only by reading the draft DDA do we learn, for example, of plans to modify the internal circulation system, including expanding Galvez Avenue to eight lanes – six for traffic and two for parking.

Determining when Supplementary Environmental Analysis is needed

The February 2000 EIR must be supplemented by additional analysis of the DDA development program that increase or create potentially significant impacts.

That additional analysis must be in the form of a Supplemental EIR if the changes increase the severity or create new non-mitigable significant impacts. Non-mitigable impacts might be created or their level increased if mitigation measures become infeasible or less effective.

The development program proposed in the draft DDA generates new or expanded impacts because of (1) changes to the development program (e.g., phasing, relocation of uses, changes to infrastructure); (2) changes to conditions/ availability of new information (e.g., new information about contamination, or about foreseeable cumulative development) and (3) changes to

applicable standards, rules, and regulations (e.g., new air pollution standards more protective of children. .

Potentially Significant Environmental Impacts Requiring Analysis Mitigation in a Supplementary EIR

Land Use

Consistency with land use standards and requirements: The revised Phase I development program should be analyzed for consistency with the Redevelopment Plan (which incorporates the land use maps of Reuse Plan) and the General Plan. Inconsistencies should be considered significant impacts. Although State Law (Public Resources Code §33492.20) allows the BOS to delay making findings that the Shipyard Redevelopment Plan is consistent with the General Plan, it does not remove the City's responsibility to identify the conflict as an impact requiring mitigation.

Transportation

The draft DDA provides for a new roadway system that it is growth-inducing and appears to be the first segment of a more extensive project. The new arterial (highway?) system presented in the draft DDA that loops through the Shipyard will create more capacity than needed to serve both Phase I development and full buildout of the Shipyard according to current plans. Therefore, a new traffic analysis is needed that projects traffic, air pollution, and noise impacts that will be generated by the proposed roadway when it operates at full capacity. This analysis is needed in addition to usual projection of traffic and air quality based on trip generation of each land uses.

The assumption that the new roadway system will operate at full capacity is not far-fetched. DPW is studying truck/ general traffic routing, to create a southern gateway to the Shipyard, including an EIR scheduled for completion by November 2004. The new access system that is being planned includes construction of a bridge across South Basin/Yosemite Slough, the 90-foot wide roadway through the Shipyard that will exit at Innes and connect with the Islais Creek bridge via Cargo Way linking back to (and exacerbating congestion at the Cesar Chavez access points to) Routes 280 and 101.

The new roadway system in the draft DDA appears to be the precursor of that more extensive system that would provide new access not only serving the Shipyard as a destination, but also would attract through-traffic generated by a potential new stadium, India Basin, and development of Port properties, as well a traffic diverted from the congested 101 corridor.

The supplemental EIR must analyze and mitigate cumulative traffic, air, noise, and esthetic impacts of the new roadway system as a whole and the development it would induce throughout the southeastern corner of San Francisco. No single portion of an entire new access system should be approved until the entire system has undergone thorough environmental review.

The reduction of non-residential development by 2/3 in Phase I could make it financially infeasible to implement effective TSM programs since they depend heavily on business-

generated funding. The revised phasing would also delay implementation of the TSM programs, which begins only when there are 1,000 employees or residents on site.

Air Quality

A supplemental analysis is needed based on new information that indicates the need for an analysis of air quality impacts using more protective air quality standards.

"In October 1999, Governor Davis signed the Children's Environmental Health Protection Act (Senate Bill 25), authored by Senator Martha Escutia, which seeks to ensure that California's air quality programs protect the health of infants and children. The Act requires ARB, in consultation with OEHHA, to review all ambient air quality standards to determine whether they adequately protect the health of the public, including children. The Act also requires OEHHA to identify toxic air contaminants that may cause infants and children to be especially susceptible to illness, and it requires ARB to determine the adequacy of existing control measures for toxic air contaminants or the need for new control measures to protect the health of the public, particularly infants and children.

The initial stage of the ambient air quality standards review was completed in December 2000. ARB and OEHHA concluded that PM and ozone may cause health effects in children even at levels meeting the state's ambient air quality standards. The amount of time children play outdoors and their higher breathing rates are some of the reasons why children may be more sensitive to these pollutants than adults. The review also found evidence that levels of nitrogen dioxide (a pollutant in motor vehicle exhaust and many kinds of industrial emissions) that meet the ambient air quality standard may harm asthmatic children."¹

Hazardous Substances

New information about contamination affecting Parcels A and B have raised questions whether the development program for the Shipyard – both Phase I and subsequent phases – can actually be safely implemented. The February 2000 EIR assumes that the CERCLA cleanup process will prevent impacts. However it cannot be assumed that the CERCLA process will necessarily produce cleanup results that are consistent with the Shipyard development program.

Cumulative Analysis

In addition to the analysis of cumulative impacts of the new roadway system, the supplemental environmental review needs to consider all new development in the pipeline since February 2000, including the rezoning of Eastern Neighborhoods, the Home Depot Project, adoption of the Bayview Hunters Point Redevelopment Plan, and all other project affecting the southeast corner of San Francisco.

¹ California Office of Environmental Health Hazard Assessment, Fact Sheet on Air Pollution and Children's Health - http://www.oehha.ca.gov/public_info/facts/airkids.html, 9/19/2003